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JOURNAL

MISSOURI CONSTITUTIONAL CONVENTION OF 1875

VOLUME II

WITH AN HISTORICAL INTRODUCTION ON
CONSTITUTIONS AND CONSTITUTIONAL CONVENTIONS IN MISSOURI
By ISIDOR LOEB, PH. D., LL. B.

AND A BIOGRAPHICAL ACCOUNT OF
THE PERSONNEL OF THE CONVENTION
By FLOYD C. SHOEMAKER, A. M.

Editors.

A Missouri Centennial Publication By
THE STATE HISTORICAL SOCIETY OF MISSOURI
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385] **FRIDAY, JULY 2, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

The President announced the following Special Committee on Schedule: Shanklin, Switzler, Johnson of Cole, Wallace, and Norton.

The Convention resumed the consideration of the amendment to the report of the Committee on Boundaries and Political Subdivisions of the State offered by Mr. Shanklin to Section three:

Mr. Ross of Polk, by unanimous consent of the Convention, withdrew his amendment to the amendment offered by Mr. Shanklin.

Mr. Adams, by unanimous consent of the Convention, withdrew his amendment to the amendment offered by Mr. Shanklin.

Mr. Rucker offered the following amendment to the amendment offered by Mr. Shanklin as amended:

Amend the amendment to Section three as amended by striking out the words, "or with a population less than the ratio of representation existing at the time," in the second and third lines. Also by striking out the words, "or less than that number of inhabitants," in the fourth line and insert in lieu after "last" the following words: "or less than the ratio of representation existing at the time;" and also by inserting after the word "county" in the eighth line the following words: "if any new county shall be formed with a population less than the ratio of representation existing at the time, it shall be attached for representative purposes to the county from which the greatest amount of territory was taken until such ratio shall be attained."

which was read and agreed to.

Mr. Massey offered the following amendment to the amendment offered by Mr. Shanklin as amended:

Amend the amendment by striking out all after the word "county" 386] when it occurs a second time in the twenty-third line and insert the following: "but a county may be organized with a smaller number

for civil and military purposes only; and the voters living on the territory thus organized shall vote for members of the General Assembly in the counties from which the territory may have been taken, and at all other elections, the votes shall be counted as though organized for political purposes; and the Legislature shall provide by law for carrying this section into effect, that is, to effect a complete county organization, such as the location of a county seat, the erection of a court house, and all such other public buildings as are usually required, and provided for in counties."

which was read and rejected.

On motion of Mr. Halliburton leave of absence was granted Mr. Hammond.

The question recurring on the adoption of the amendment offered by Mr. Shanklin as amended, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Edwards	Fyan	Mabrey	Pipkin
Dryden	of Iron	Hyer	Maxey	Shanklin
	Eitzen	Johnson	McKillop	Mr. President
		of Cole		13

NOES

Adams	Cottey	Halliburton	McKee	Ross
Allen	Crockett	Holliday	Mudd	of Polk
Alexander	Davis	Johnston	Nickerson	Shackelford
Black	Dysart	of Nodaway	Norton	Switzler
Boone	Edwards	Lackland	Priest	Taylor
Brockmeyer	of St. Louis	Lay	Ray	of St. Louis
Carleton	Farris	Letcher	Rider	Todd
Chrisman	Gottschalk	McCabe	Rippey	Wagner
Conway	Hale			Wallace
				Watkins 40

ABSENT

Broadhead	Gantt	Mortell	Rucker	
Crews	Massey			6

ABSENT WITH LEAVE

Hammond	McAfee	Roberts	Ross	Shields
Hardin	Pulitzer		of Morgan	Spaunhorst
				Taylor
				of Jasper 9

Mr. Cottey offered the following amendment to the substitute offered by Mr. Shackelford for Section three:

Amend the substitute by striking out all after the word "time" in the sixth line down to and including the word "obtained" in the twelfth line and insert the following: "nor shall any new county be established 387] with a population less than the ratio existing at the time of the formation of such new county."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Dryden	Holliday	Lay	Rider	
Boone	Dysart	Johnson	McKillop	Wagner	
Brockmeyer	Eitzen	of Cole	Norton	Wallace	
Cottey	Farris	Johnston	Pipkin		
Davis	Gottschalk	of Nodaway	Priest		21

NOES

Adams	Edwards	Lackland	Nickerson	Taylor	
Alexander	of Iron	Letcher	Ray	of Jasper	
Black	Edwards	Mabrey	Ross	Todd	
Bradfield	of St. Louis	Massey	of Polk	Watkins	
Carleton	Fyan	Maxey	Rucker	Mr. President	
Chrisman	Hale	McCabe	Shackelford		
Conway	Halliburton	McKee	Shanklin		
	Hyer	Mudd	Switzler		32

ABSENT

Broadhead	Crews	Crockett	Gantt	Mortell	5

ABSENT WITH LEAVE

Hammond	Pulitzer	Ross	Spaunhorst	
Hardin	Roberts	of Morgan	Taylor	
McAfee		Shields	of Jasper	9

Mr. Eitzen offered the following amendment to the substitute offered by Mr. Shackelford:

Amend the substitute by striking out "four hundred and ten" and insert "five hundred."

which was read.

The ayes and noes being demanded by five members, the amendment to the substitute was rejected by the following vote:

AYES

Allen	Hyer	Lay	Pipkin	Mr. Preside nt
Bradfield	Johnson	Massey	Wagner	11
Eitzen	of Cole	Norton		

NOES

Adams	Dryden	Halliburton	Priest	Switzler
Alexander	Dysart	Holliday	Ray	Taylor
Black	Edwards	Letcher	Rider	of St. Louis
Boone	of St. Louis	Mabrey	Rippey	Todd
Carleton	Farris	McCabe	Ross	Wallace
Chrisman	Fyan	McKee	of Polk	Watkins
Conway	Gantt	McKillop	Rucker	
Cottey	Gottschalk	Mudd	Shackelford	
Crockett	Hale	Nickerson	Shanklin	39

ABSENT

388]	Brockmeyer	Davis	Lackland	Mortell
Broadhead	Crews	Edwards	Maxey	
		of Iron		8

ABSENT WITH LEAVE

Hammond	Johnston	Pulitzer	Ross	Spaunhorst
Hardin	of Nodaway	Roberts	of Morgan	Taylor
	McAfee		Shields	of Jasper 10

Mr. Dysart offered the following amendment to the substitute:

Amend the substitute by striking out the following words: "nor shall any new county be formed, the line of which shall run within ten miles of the county seat of any county."

which was read and rejected.

The question recurring upon the adoption of the substitute offered by Mr. Shackelford, and the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Adams	Carleton	Dryden	Edwards	Farris
Alexander	Chrisman	Dysart	of St. Louis	Gantt
Black	Conway			

Gottschalk	McCabe	Rider	Shackelford	Todd	
Hale	McKee	Rippey	Shanklin	Wallace	
Johnston	McKillop	Ross	Switzler	Watkins	
of Nodaway	Nickerson	of Polk	Taylor		34
Letcher	Pipkin	Rucker	of St. Louis		
Maxey	Ray				

NOES

Boone	Edwards	Holliday	Mabrey	Mr. President	
Bradfield	of Iron	Hyer	Massey		
Cottey	Eitzen	Johnson	Norton		
Crockett	Fyan	of Cole	Priest		
Davis	Halliburton	Lay	Wagner		19

ABSENT

Broadhead	Crews	Lackland	Mortell	Mudd	5

ABSENT WITH LEAVE

Hammond	McAfee	Roberts	Shields	Taylor	
Hardin	Pulitzer	Ross	Spaunhorst	of Jasper	
		of Morgan			9

EXCUSED

Brockmeyer	1

Mr. Maxey offered the following amendment to the substitute:

Amend the substitute by adding thereto the following: "*Provided*, That when it is proposed to form a new county for civil and military purposes alone the counties from which the territory to form said new county shall be taken may be reduced to less than the ratio of representation."

which was read and rejected.

The question recurring upon the adoption of the substitute as amended, it was rejected.

389] Section four was read.

Mr. Holliday offered the following substitute for Section four:

Strike out Section four and substitute therefor the following: "No part of the territory of any county shall be stricken off and added to an adjoining county without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question, shall vote therefor."

which was read and agreed to.

Mr. Holliday offered the following amendment to Section four as amended by the substitute:

Add to Section four: "*Provided*, when any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken."

which was read and agreed to.

The question recurring upon the adoption of Section four as amended by the substitute offered by Mr. Holliday as amended, it was adopted.

Mr. Wallace offered the following by way of a new section:

Amend by adding a new section as follows:

"Section—.Whenever it shall become necessary in any county or counties from which territory has been taken for the formation of a new county or by change of county lines, to levy and collect any taxes for the payment of any debts or liabilities against such original county or counties existing at the time of the establishment of such new county, such taxes shall be levied and collected for the just pro rata proportion thereof, or the property constituting and within the extent of territory taken from such original county or counties, respectively, in like manner as if such new county had not been formed or county lines changed."

which was read.

The ayes and noes being demanded by five members, the new section was adopted by the following vote:

AYES

Adams	Crockett	Hale	Mudd	Taylor
Alexander	Davis	Lackland	Nickerson	of St. Louis
Bradfield	Dryden	Lay	Pipkin	Todd
Carleton	Farris	Massey	Rider	Wallace
Chrisman	Gantt	McCabe	Rippey	Mr. President
Cottey	Gottschalk	McKee	Shackelford	28

NOES

390] Allen	Edwards	Holliday	Mabrey	Ross
Black	of Iron	Hyer	Maxey	of Polk
Boone	Edwards	Johnson	McKillop	Rucker
Brockmeyer	of St. Louis	of Cole	Norton	Shanklin
Conway	Eitzen	Johnston	Priest	Switzler
Dysart	Fyan	of Nodaway	Ray	Watkins
	Halliburton	Letcher		27

ABSENT

Broadhead	Crews	Mortell	Wagner	4

ABSENT WITH LEAVE

Hammond	McAfee	Ross	Shields	Taylor	
Hardin	Pulitzer	of Morgan	Spaunhorst	of Jasper	
	Roberts				9

Section five was read.

Mr. Black offered the following substitute for Section five:

No county, township, city, town, village or other political or municipal divisions of the State shall hereafter become subscriber to the capital stock of any railroad, corporation, or association, or make donation to, or loan its credit to, or in aid of any such corporation, company, or association, and all authority heretofore conferred by the General Assembly and by charter of corporations, or counties, townships, cities, towns, or other political or municipal divisions of the State, to subscribe stock or make donation, or loan their credit to or in aid of any such corporations, companies or associations, is hereby repealed: *Provided, however*, that the adoption of this Constitution shall not be construed to prevent renewal bonds or other means being used as is or may be prescribed by law for the liquidation or payment of existing indebtedness.

which was read.

Mr. Switzler in the chair.

The question being upon the adoption of the substitute offered by Mr. Black for Section five, it was adopted.

Mr. Wagner offered the following substitute for Section five as amended by the substitute offered by Mr. Black:

No county, township, city, town or other municipality shall hereafter become a subscriber to the capital stock of any railroad corporation or other corporation or association, or make donation of money or other valuable things, or loan its credit to or in aid of any such corporation or association or in aid of any college or institution of learning, or other institution, whether created for the State and to be controlled by the State, or for others. And all authority heretofore given for the pur-
391] poses aforesaid by any act or acts of the Legislature or by the charter of any railroad corporation is hereby repealed: *Provided, however*, that the adoption of this Constitution shall not be construed to prevent renewal bonds, or other means being used as is or may be directed by law for the liquidation or payment of existing indebtedness.

which was read.

Mr. Johnson of Cole offered the following amendment to the substitute offered by Mr. B ack:

"*And provided further*, that counties, cities, towns or other municipal subdivisions of the State may be authorized to subscribe for the location or support of state institutions when authorized by a vote of a majority of the qualified voters thereof.

which was read.

Mr. Gantt offered the following amendment to the amendment offered by Mr. Johnson of Cole:

Amend by adding: "or railroads or other enterprises that promise advantage to the locality."

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Johnson of Cole, it was rejected.

On motion of Mr. Switzler leave of absence was granted Mr. Todd.

The question recurring upon the adoption of the substitute offered by Mr. Wagner to Section five as amended by the substitute offered by Mr. Black, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Adams	Edwards	Hale	Priest	Taylor	
Boone	of Iron	Hyer	Rippey	of St. Louis	
Bradfield	Eitzen	Lay	Ross	Wagner	
Carleton	Farris	Massey	of Polk	Wallace	
Crockett	Fyan	Norton	Shackelford	Watkins	
	Gantt	Pipkin			24

NOES

Allen	Edwards	Johnston	McKee	Rucker	
Alexander	of St. Louis	of Nodaway	McKillop	Shanklin	
Black	Gottschalk	Lackland	Mortell	Switzler	
Chrisman	Halliburton	Letcher	Mudd	Mr. President	
Conway	Holliday	Mabrey	Nickerson		
Cottey	Johnson	Maxey	Ray		
Dysart	of Cole	McCabe	Rider		29

392]

ABSENT

Broadhead	Brockmeyer	Crews	Davis	Dryden	5

ABSENT WITH LEAVE

Hammond	McAfee	Roberts	Shields	Taylor
Hardin	Pulitzer	Ross	Spaunhorst	of Jasper
		of Morgan		9

Mr. Shanklin offered the following amendment to section five.

Amend Section five as amended by adding after the words, "corporation, company or association," where they twice occur, the words, "except institutions of learning."

which was read and rejected.

Mr. Shackelford offered the following amendment to Section five as amended by the substitute offered by Mr. Black:

Provided, that no subscription shall be made to any State institution without the consent of two-thirds of the qualified voters of any such county, city, town or township voting therefor.

which was read.

Mr. Chrisman moved to refer the section as amended by the substitute offered by Mr. Black, to a special committee, which was agreed to.

Mr. Maxey offered the following as a new section to the report of the Committee on Boundaries and Political Subdivisions of the State:

No county, township, city, town or any subdivision thereof shall have power to grant any extra compensation, fee or allowance to any public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part; nor pay nor authorize the payment of any claim or claims hereafter created against any such county, township, city, town or any subdivision thereof under any agreement or control made without express authorization of law.

which was read.

On motion of Mr. Conway the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Switzler from the Committee on Education submitted the following report and also minority report made by Mr. Todd of said Committee.

Mr. President:

393] I ask leave to make the following report from the Committee on Education, and in doing so deem it but justice to the Committee to say that two of the members, Messrs. Shields and Pulitzer, owing to absence from the city, were not present during the last sessions of the Committee, and that the member from Clay, Mr. Allen, does not fully concur in the eighth and thirteenth sections of the report. All of which is respectfully submitted.

Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instructions of all persons in this State between the ages of seven and seventeen years and shall prescribe the course of study therein.

Section 2. The income of all the funds provided for the support of free public schools shall be paid annually to the several county treasurers to be disbursed according to law; *provided*, that no school district in which a free public school has not been maintained at least three months during the year for which distribution is made, shall be entitled to receive any portion of such funds.

Section 3. Separate free schools shall be established for the education of children of African descent.

Section 4. The supervision of instruction in the public schools, shall be vested in a "Board of Education" whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be President of the Board. The Governor, Attorney-General and president of the State University shall be *ex officio* members and with the Superintendent compose said Board of Education, but the President of the University shall have no vote in its proceedings.

Section 5. The decision of the Superintendent upon every question arising in the execution and administration of the laws relative to the public schools shall be deemed conclusive until reversed in manner prescribed by law; *provided*, that said decision and a statement of the facts of the case shall be recorded in a book kept therefor in his office.

Section 6. The General Assembly shall maintain the State Uni-
394] versity now established, with its present departments. The government of the University shall be vested in a Board of Curators to consist of nine members to be appointed by the Governor, and the Superintendent of Public Schools shall be *ex officio* a member of the Board, but shall have no vote in its proceedings.

Section 7. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all money, stocks, bonds, land and other property now belonging to any fund for purposes

of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from sales of estrays, from unclaimed dividends, distributive shares of the estates of deceased persons and from penalties and forfeitures; also, all money which shall be paid by persons as an equivalent for exemption from military duty and the clear proceeds of all fines collected in the several counties for any breach of the penal or military laws of the State; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State, (if Congress will consent to such appropriation); also, all other grants, gifts or devises that have been or hereafter may be made to this State, and not otherwise appropriated by the terms of the grant, gift or devise, shall be paid into the State treasury and securely invested and sacredly preserved as a public school fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this article provided for, and for no other uses or purposes whatsoever.

Section 8. Twenty-five per cent of the State revenue shall be set apart and applied annually to the support of the public schools and one and three quarter of one per cent of the remaining three-fourths shall be appropriated annually for the support of the State University.

Section 9. No part of the public school fund shall ever be invested in the stocks or bonds or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belongs or may hereafter belong to said school fund shall be invested in the bonds of the State of Missouri **395**] or of the United States.

Section 10. All county school funds shall be loaned only upon unincumbered real estate security of double the value of the loan with personal security in addition thereto.

Section 11. The General Assembly shall have power to require by law that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of seven and seventeen years for a term equivalent to sixteen months, unless educated by other means.

Section 12. In case the public school fund shall be insufficient to sustain a free public school four months in every year in each school district in this State, the General Assembly may provide, by law, for supplying such deficiency by levying a tax on all the taxable property within such school district; but if in order to continue a school longer than four months it be necessary that an additional tax be levied, said tax shall not be authorized or collected unless a majority of two-thirds of the electors of the district who may vote at said election, vote in favor of it in manner prescribed by law: *Provided*, that no person shall be deemed an elector at such election who has not in addition to other qualifications, paid a State tax, other than a capitation tax, within the year next preceding that in which the election is held; *and provided further*, the aggre-

gate amount of taxes in any one year, in any district shall not exceed ———cents on the one hundred dollars valuation of the property therein.

Section 13. The funds derived from the capitation tax imposed by this Constitution or which may be hereafter imposed by law or constitutional amendment, shall be appropriated exclusively to the support of the free public schools, State University and State normal schools, now established, as follows: one-half of the amount of said tax to the free public schools, two-tenths to the State University and the remainder to the State normal schools. One-half of said tax shall be paid into the treasuries of the counties in which it is collected for the maintenance of the free public schools of such county and the remainder into the State treasury. The General Assembly shall distribute by law to the State normal schools in such proportions as they may deem equitable and just the three-tenths set apart in this section for their support.

396] Section 14. Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any religion, creed, church or sectarian purpose, or to help support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any person, religion, creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by State, county, city, town or such municipal corporation, for any religion, creed, church or sectarian purpose whatever.

WM. F. SWITZLER, *Chairman.*

MINORITY REPORT

Mr. Todd, a member of the Committee, submitted the following minority report:

In the Constitutional Convention of Missouri.
Mr. President:

The undersigned concurs in the report of the majority of the Committee on Education as to all the propositions referred to the Committee, except as to the proposition that the things taught in the free public schools of the State should be limited to spelling and reading in the English language and grammar, writing, geography, arithmetic and history of the United States. The majority of the Committee did not agree to report this for adoption in the Constitution. The undersigned asks permission to report the same for such adoption and submits the following reasons therefor: It is now admitted by every intelligent and patriotic American citizen that the nature of our government requires for its consistent support and perpetuation an universal education of citizens, that there is as much necessity for this as there is for universal taxation, it being an admitted necessity the State should provide for and secure it. But as in the case of taxation, it should not require and provide for more than requisite for its proper support and continuance. In the judgment of the undersigned the amount of education that the State

should provide for is that and that only which shall enable the citizen to read the laws of the land and to learn their fundamental sources; to 397] become acquainted with the history of his country; to possess the art of preserving and communicating his own thoughts and knowledge; to learn the geographical position of his own locality to the rest of his country, and that of his country to the rest of the world; to be able to make the arithmetical calculations required for the business and transactions of ordinary life and to use and express the English language with general correctness. For accomplishing this it would be in my opinion, sufficient to teach the following things: Spelling, reading and writing the English language, common arithmetic, geography, grammar and the history of the United States. Such an education may be fully imparted before the age of seventeen years, by such an easy and gradual course that the healthy growth and natural development of muscle, bone and brain will not be in any degree impaired or endangered. It will satisfy all the reasons of the State for providing for a public education, the chief of which are to secure intelligent voters and to prevent pauperism and crime. It should be incorporated in the Constitution that it may be fundamental and certain and be protected against the ambitions of teachers and the importunities of the bookseller. Therefore, the following proposition is offered as an additional section to the report of the majority:

Section—.There shall be taught at public expense in the free public schools of the State only the following studies: spelling, reading and writing in the English language, grammar, arithmetic, geography and the history of the United States.

All of which is respectfully submitted.

ALBERT TODD.

which was read, two hundred copies ordered printed, and made the special order for Wednesday, July 7th, at 9 o'clock a. m.

Mr. Edwards of St. Louis from the Committee on Banks and Corporations submitted the following report.

Mr. President:

Your Committee on Banks and Corporations has duly considered all resolutions and other matters referred to it and has instructed me 398] as chairman of said Committee to ask leave to report the following article and recommend its adoption:

PRIVATE CORPORATIONS

Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.

Section 2. No corporation shall be created by special laws, or charter extended, changed or amended except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State. But the General Assembly shall

provide by general laws for the organization of all corporations hereafter created.

Section 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporation.

Section 4. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the General Assembly of the property and franchises of incorporated companies already organized, or that may be hereafter organized and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation when in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Section 5. The exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

Section 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many **399**] votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

Section 7. No corporation shall engage in business other than that expressly authorized in its charter or the law under which it may have been or hereafter may be organized, nor shall it take or hold any real estate for any period longer than six years, except such as may be necessary and proper for carrying on its legitimate business.

Section 8. No corporation shall issue stock or bonds except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for that purpose, first giving sixty days' public notice, as may be provided by law.

Section 9. The General Assembly shall have the power to alter, revoke or amend any charter of incorporation now existing and revocable at the adoption of this or any that may hereafter be organized under general law, whenever in their opinion it may be injurious to the citizens of this state, in such manner, however, that no injustice shall be done to the corporators.

Section 10. Whenever a corporation, for the transaction of business of any kind for profit, shall become insolvent or in failing circumstances, it shall cease to do business until its solvency is restored, and the directors and managers of all corporations shall be held personally liable for

all debts created or contracted over and above the amount of capital stock actually paid in at the time of the creation of such indebtedness, and for
400] all work or labor performed for such corporation at their instance or request.

Section 11. The term "corporation" as used in this article, shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships. And courts of equity at the instance of persons interested, shall have power to wind up corporations and distribute their assets when shown to be insolvent or in failing condition.

Section 12. The General Assembly shall have no power to authorize lotteries or gift enterprise tickets in this State, and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto are hereby voided.

RAILROADS.

Section 1. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct the abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads and enforce all such laws by adequate penalties.

Section 2. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance; and suitable laws shall be passed by the General Assembly to enforce this provision; but excursion and commutation tickets may be issued at special rates.

Section 3. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other states. Every railroad company shall have the
401] right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Section 4. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office, or place in this State for the transaction of its business, where transfers of stock shall be made and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock, subscribers, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid in and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days

previously and shall report, under oath, to the State Auditor, or some officer designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law; and the General Assembly shall pass laws enforcing by suitable penalties, the provisions of this section.

Section 5. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

Section 6. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing or parallel line, and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders in such manner as may be provided by law; and in case any railroad 402] company organized under the laws of this State shall consolidate by sale or otherwise with any railroad company organized under the laws of any other state, or of the United States, the same shall not thereby become a foreign corporation; but the courts of this State shall retain jurisdiction in all matters which may arise as if said consolidation had not taken place.

Section 7. The Legislature shall never pass any law for the benefit of railroad or other corporations, curative or confirmatory in its operations, which takes away or impairs any right acquired by the people under former laws, or creates a new obligation or imposes a new disability on the rights of the people or any county or municipal corporation, in respect to transactions or considerations already passed.

Section 8. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent especially obtained.

Section 9. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

Section 10. The power to tax corporations and corporate property shall not be suspended by any contract or grant to which the State shall be a party.

Section 11. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation, with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line, 403] nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line, and the question whether railroads are parallel or com-

peting lines shall when demanded by the party complainant, be decided by a jury as in other civil issues.

Section 12. No president, director, officer, agent or employe, of any railroad company shall be interested, directly or indirectly in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Section 13. No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad company or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Section 14. No railroad, railway or other transportation company shall grant free passes, or passes at a discount to any person, except officers or employes of the company.

Section 15. No street railroad or any other railroad company, shall demand or receive fare of a passenger without first furnishing him or her a seat, under penalty of ten dollars to be recovered to the use of the passenger before any justice of the peace; nor shall the right to construct or operate a street railroad or any other railroad be authorized within any city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highways proposed to be occupied by such railroad, nor shall such consent be granted or such right exercised without compensation being first made by the railroad company to the property owners on the line of said street or highway for all damages resulting to their property from the construction or use of said railroad, the damages in all cases to be ascertained by a jury in such manner as may be provided by law.

404] BANKS.

Section 1. No state bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock company, or association for banking purposes, now created or hereafter to be created.

Section 2. No act of the General Assembly, authorizing or creating corporations or associations with banking powers (except banks of deposit or discount), nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same and be approved by a majority of the votes cast at such election for or against such law.

Section 3. Every stockholder in a banking corporation or institution shall be individually liable to its creditors over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

Section 4. The suspension of specie payment by banking institutions, created by the laws of this State, shall never be permitted or sanctioned. Every banking institution now, or which may hereafter be

organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs, (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

Section 5. If a general banking law shall be enacted it shall provide for the registry and countersigning, by an officer of State, of all the bills or paper credit of the bank or banks organized under such laws and designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States or Missouri State bonds, to be rated at ten per cent. below their par value; and in case of depreciation of said bonds to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional bonds. And said law shall also provide for the recording of the names of all the stockholders in **405**] such corporation, the amount of stock held by each, the time of any transfer thereof and to whom such transfer is made.

Section 6. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution after he shall have had knowledge of the fact that it is insolvent or in failing circumstances; and any such officer, agent or manager, shall be individually responsible for such deposits so received; and all such debts so created with his assent, after he shall have received such information of the insolvency or failing circumstances of such banking institution.

JAMES C. EDWARDS, *Chairman.*

which was read, laid over informally, and two hundred copies ordered printed.

Mr. Maxey moved the reconsideration of the vote by which Section three of the report of the Committee on Boundaries and Political Subdivisions of the State was adopted, which was not agreed to.

The Convention resumed the consideration of the report of the Committee on Boundaries and Political Subdivisions of the State.

Section six was read and adopted.

Section seven was read.

Mr. Shanklin offered the following amendment to Section seven:

Amend Section seven by striking out all down to and including the word "but" in the third line.

which was read and rejected.

The question recurring upon the adoption of Section seven, it was adopted.

The consideration of Article—on Boundaries of the report of the Committee on Boundaries and Political Subdivisions of the State, was resumed.

The amendment offered by Mr. Lackland to Article——406] on Boundaries pending on Wednesday was read and agreed to.

Mr. Gantt offered the following substitute for Article —on Boundaries:

The boundaries of the state of Missouri are declared to be as follows: That is to say, beginning at the intersection of the middle of the main channel of the river Mississippi with a parallel of thirty-six degrees north latitude, thence running west along said parallel to the middle of the main channel of the river St. Francois, thence up and along the middle of the channel of the river St. Francois until it intersects the parallel of thirty-six degrees thirty minutes north latitude, thence west along the said parallel to the point at which the said parallel was on the 8th of March in the year 1820 intersected by the meridian line passing through the middle of the main channel of the Kansas river where the same on the day and year last named emptied into the Missouri river, thence north along the said meridian line to the middle of the main channel of the Missouri river, thence up and following the course of the Missouri river along the middle of the main channel thereof, until it intersects the parallel of latitude which passes through the rapids of the river Des Moines, making the same correspond with the Indian boundary line, thence east along the said parallel of latitude to the middle of the channel of the main fork of the river Des Moines, thence down the middle of the main channel of the river Des Moines to the mouth of the same, where it empties into the Mississippi river, thence due east to the middle of the main channel of the Mississippi river, thence down and following the course of the Mississippi river along the middle of the main channel thereof to the place of beginning.

which was read.

On motion of Mr. Chrisman leave of absence was granted Mr. Adams.

The ayes and noes being demanded by five members, and the question being upon the adoption of the substitute, it was rejected by the following vote:

AYES

Alexander	Eitzen	Letcher	Ray	Ross	
Dysart	Gantt	Massey	Rider	of Polk	
Edwards	Halliburton	Mudd	Rippey	Switzler	
of Iron	Hyer	Pipkin		Wallace	17

NOES

407] Allen	Cottey	Fyan	Mabrey	Shackelford
Black	Crockett	Johnson	McKee	Shanklin
Boone	Davis	of Cole	McKillop	Taylor
Bradfield	Dryden	Johnston	Nickerson	of St. Louis
Carleton	Edwards	of Nodaway	Norton	Wagner
Chrisman	of St. Louis	Lackland	Priest	Watkins
Conway	Farris	Lay	Rucker	Mr. President

31

ABSENT

Broadhead	Crews	Hale	Maxey	Todd
Brockmeyer	Gottschalk	Holliday	Mortell	9

ABSENT WITH LEAVE

Adams	McAfee	Roberts	Shields	Taylor
Hammond	McCabe	Ross	Spaunhorst	of Jasper
Hardin	Pulitzer	of Morgan		11

On motion of Mr. Priest leave of absence was granted Mr. McCabe.

The question recurring upon the adoption of Article ————on Boundaries as amended, it was adopted.

Mr. Cottey offered the following as a new section to the report of the Committee on Boundaries and Political Subdivisions of the State:

Any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization then such organization shall cease in said county, and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

which was read.

Mr. Alexander in the chair.

The question being upon the adoption of the new section offered by Mr. Cottey, it was adopted.

Mr. Letcher from the Committee on Revenue and Taxation submitted the following report:

Mr. President:

The Committee on Revenue and Taxation, to which was referred various propositions bearing on the subject entrusted to its charge,

has instructed me to report that it has duly considered the same and has agreed on the accompanying Article, which it recommends for adoption.

WM. H. LETCHER, *Chairman.*

408] ARTICLE———

Section 1. The taxing power may be exercised by the General Assembly for State purposes and by counties and other municipal corporations under authority granted to them by the General Assembly for county and other corporate purposes.

Section 2. The power to tax corporations and corporate property shall not be surrendered or suspended or authorized by any contract or grant to which the State shall be a party.

Section 3. Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Section 4. The General Assembly shall have power to tax auctioneers, brokers, bankers, peddlers, merchants, druggists, showmen, jugglers, inn-keepers, grocery-keepers, liquor dealers, brewers, distillers, toll-bridges, ferries, insurance, telegraph and express interests or business, vendors of patents, and persons or corporations using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates, and the General Assembly shall also have power to provide such further revenue as may be needed by levying a tax by valuation on all property in this State subject to taxation, so that any person and corporation shall pay a tax in proportion to the value of his, her or its property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the General Assembly shall direct and not otherwise.

Section 5. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

Section 6. The property of the State, counties and municipal
409] corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies and for cemeteries shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of 15,000 square feet, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation when the same are exclusively used for religious worship, for schools or for purposes purely charitable: *Provided*, That such exemption shall be only by general law.

Section 7. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Section 8. The State tax on property, exclusive of the tax necessary to pay the railroad bonded indebtedness of the State, shall not exceed

twenty cents on the hundred dollars valuation; and whenever the taxable property of the State shall amount to nine hundred million dollars the rate shall not exceed fifteen cents.

Section 9. No county, city, town or other municipal corporation nor the inhabitants thereof nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Section 10. All taxes levied for State purposes shall be paid into the State treasury.

Section 11. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations, or the inhabitants or property thereof for county, city, town or other municipal purposes, but may by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes and may also vest in the corporate authorities of cities and towns the power to levy special assessments for local improvements upon adjacent property or property especially benefitted thereby, without exception on account of use or ownership.

Section 12. No special assessments or taxation for local improvements shall be authorized in any city, town or other municipal corporation, except for the original repairing of streets, alleys, side walks, guttering and cross walks, and in case of special injury done to property by local improvements, the owner shall be entitled to damages to be assessed by a jury in such manner as may be prescribed by law.

Section 13. Taxes for county, city, town and school purposes may **410**] be levied on such subjects or objects as may be taxable for the time levying for State purposes. For county purposes, the annual rate on property in counties having six million dollars or less, shall not in the aggregate exceed fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars said rate shall not exceed thirty-five cents on the hundred dollars valuation. In counties having ten million dollars and under twenty million dollars said rate shall not exceed thirty cents on the hundred dollars valuation and in counties having twenty million dollars or more said rate shall not exceed twenty-five cents on the hundred dollars valuation. For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more, shall not in the aggregate exceed eighty cents on the hundred dollars valuation, in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation. In cities and towns having less than ten thousand and over four thousand inhabitants, said rate shall not exceed fifty cents on the hundred dollars valuation and in cities and towns having four thousand or less inhabitants said rate shall not exceed forty cents on the hundred dollars valuation, and for school purposes in districts formed of cities and towns therefor, the annual rate on property shall not exceed forty cents on the hundred dollars valuation, and in districts other than those formed in cities and towns for such purposes the annual rate on property shall not exceed twenty-five cents on

the hundred dollars valuation: *Provided*, that the rate allowed to each county shall be ascertained by the amount of taxable property therein according to the last assessment for State and county purposes, and the rate allowed to each city or town, by the number of inhabitants, according to the last census taken under the authority of the State or of the United States: *And provided further*, that said restrictions, as to rates, shall apply to taxes of every kind and description, except taxes to pay valid indebtedness.

Section 14. No county, city, town, township, school district or other municipal corporation formed for municipal or school purposes, 411] shall be allowed to become indebted in any manner or for any purpose to an amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness, nor unless the proposition to incur such indebtedness, with a provision for the levy and collection of an annual tax sufficient to pay the interest on the debt as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same, shall be submitted to a vote of the qualified voters at an election held for that purpose, after reasonable notice, and shall receive the assent of two-thirds of such voters.

Section 15. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

Section 16. In lieu of the annual tax of one-fourth of one per cent authorized by the sixth section of the Ordinance of June 6, 1865, there shall be assessed and collected on all real estate and other property and effects, not exempted under the sixth section of this article, an annual tax of one-fifth of one per cent on the hundred dollars valuation, the proceeds of which tax, together with such other funds and resources as may by law be provided, shall be paid into the treasury and passed to the credit of the State interest fund, and the State sinking fund, respectively, as now established by law. No part of said State interest fund, or of said State sinking fund shall be used or applied otherwise than in the extinguishment of the railroad indebtedness of the State, and of bonds issued on account thereof.

Section 17. All moneys now, or at any time hereafter, in the State treasury and set apart or belonging to the State interest fund, the State sinking fund or the executors' and administrators' fund, shall be immediately deposited by the treasurer to the credit of the State, for the benefit of said funds, respectively, in such bank or banks as he may from time to time, with the approval of the Governor and Attorney-General, select, 412] the said bank or banks giving security, satisfactory to the Governor and Attorney-General, for the safe keeping and forth coming, when required, of said deposits, and the same, together with such interests and profits as may occur thereon shall be disbursed by said Treasurer for the purposes of the State according to law, upon warrants drawn by the Auditor of the State and not otherwise.

Section 18. The Treasurer shall at all times submit to the Auditor the inspection of the moneys of the State in his hands, and shall also publish, in such manner as the Governor may designate, monthly statements showing the amount of State moneys, where the same are kept or deposited, and have secured.

Section 19. The making of profit out of the State moneys, or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be deemed a felony and shall be punished as provided by law; but part of such punishment shall be disqualification to hold office or vote, for a period of not less than five years.

Section 20. The General Assembly shall provide for a State Board of Equalization, consisting of one freeholder from each congressional district to be appointed by the Governor by and with the advice and consent of the Senate, whose duty it shall be to adjust and equalize the valuations of real and personal property among the several counties in the State, at such times, and according to such rules as the General Assembly may for that purpose prescribe.

Section 21. No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or revising an appropriation shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such sum or object.

Section 22. The money arising from any loan or debt or liability contracted by the State or any county, city or town or other municipal
413] corporation shall be applied to the purposes for which they were obtained or to the repayment of any such debt or liability and not otherwise.

Section 23. No corporation, company or association, other than those formed for benevolent, religious, scientific or educational purposes shall be created or organized under the laws of this State, unless the officers thereof shall at or before the filing of the article of association or incorporation, pay into the State treasury ten dollars, and a further sum of one dollar for every ten thousand dollars of its capital stock. And no such corporation, company, or association shall increase its capital stock without first paying a like sum of one dollar for every ten thousand dollars of increase.

On motion, the reading was dispensed with and two hundred copies ordered printed.

Mr. Dryden in pursuance of notice given by him on June 24th, moved to reconsider the vote by which Sections fourteen, fifteen, sixteen and seventeen of the report of the Committee on Judicial Department were adopted, which was agreed to.

Mr. Lackland presented a petition from the members of the bar of Warren and Saint Charles counties.

On motion, Section fourteen of the report of the Committee on Judicial Department was reconsidered.

Mr. Dryden offered the following amendment to Section fourteen:

Amend Section fourteen by striking out the words, "county of St. Louis," in the third line and inserting in lieu thereof the following words: "the counties of St. Louis, St. Charles and Warren;" also by striking out the words, "St. Louis county," in the sixth line and inserting in lieu thereof the words, "said counties."

which was read and agreed to.

The question recurring upon the adoption of Section fourteen as amended, it was adopted.

On motion, Section fifteen was reconsidered.

Mr. Dryden offered the following amendment to Section fifteen:

Amend Section fifteen by striking out the words, "St. Louis county," in the second line and inserting in lieu thereof as follows: "The coun-
414] ties of St. Louis, St. Charles and Warren;" also by striking out the words, "St. Louis county," in the fourth line and inserting in lieu thereof the words, "said counties," also by adding to the section the following words: "*provided*, that each of said counties shall pay its proportional part of the same according to its taxable property."

which was read and agreed to.

The question recurring upon the adoption of Section fifteen as amended, it was adopted.

On motion, Section sixteen was reconsidered.

Mr. Dryden offered the following amendment to Section sixteen:

Amend Section sixteen by striking out the words, "the county of St. Louis," in the first and second lines and inserting in lieu thereof the words, "said counties."

which was read and agreed to.

The question recurring upon the adoption of Section sixteen as amended, it was adopted.

The consideration of Section eighteen and amendment thereto offered by Mr. Gottschalk and reconsidered June 24th, was resumed.

The question recurring upon the adoption of the amendment offered by Mr. Gottschalk, it was rejected.

Mr. Dryden offered the following amendment to Section eighteen:

> Amend Section eighteen by striking out the words, "St. Louis county," in the first line and inserting in lieu thereof the words, "said counties."

which was read and agreed to.

The question recurring upon the adoption of Section eighteen as amended, it was adopted.

Mr. Taylor of St. Louis moved to reconsider the vote by which Section nineteen of the report of the Committee on Judicial Department as amended was adopted, which was agreed to.

Mr. Taylor of St. Louis then moved to reconsider the vote by which the amendment offered by Mr. Gottschalk to **415**] Section nineteen striking out "seventy-seven" and inserting "seventy-nine" in lieu thereof was adopted, which was agreed to.

The question then being upon the adoption of the amendment offered by Mr. Gottschalk, it was rejected.

The question recurring upon the adoption of Section nineteen as amended, it was adopted.

Mr. Switzler moved to reconsider the vote on Section eleven of the first article of the report of the Committee on Legislative Department, which was not agreed to.

Mr. Dysart gave notice that he would move to reconsider the vote by which Section five as amended was adopted and by which Sections six and seven of the report of the Committee on Judicial Department were rejected.

On motion of Mr. Nickerson the Convention adjourned until tomorrow morning at 8 o'clock a. m.

SATURDAY, JULY 3, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Parker.

The journal of yesterday was read and approved.

Mr. Cottey offered the following resolution:

Resolved, That a committee of thirteen consisting of one from each congressional district in the State be appointed by the President for the purpose of preparing an address to the people to be published with the Constitution setting forth under appropriate headings the material changes, alterations and additions that have been made to the original law.

which was read.

Mr. Letcher moved that the resolution be referred to the Committee on Standing Rules. The motion to refer was rejected.

The question recurring upon the adoption of the resolu-
416] tion, it was adopted.

The President announced the following special committee on Section five of the Article—on Boundaries: Chrisman, Shackelford, Johnson of Cole, Norton and Crockett.

The report of the Special Committee on Section thirty-nine of the report on Judicial Department, and amendments recommended by the minority of the special commitee, was taken up.

Section thirty-nine was read.

Mr. Shanklin offered the following substitute for Section thirty-nine:

Amend by way of substitute as follows:

"Section 39. In each county there shall be a county court consisting of one or more judges, not exceeding five, as may be provided by law. County courts shall be courts of record and shall have jurisdiction to transact all county business, and such other jurisdiction as may be conferred by law."

which was read.

Mr. Shackelford offered the following amendment to the substitute:

Amend the substitute by striking out "five" in the fourth line and inserting "three" in lieu thereof.

which was read.

Mr. Rippey offered the following amendment to Section thirty-nine:

Amend by striking out all after the word "prescribe" in third line down to and including the word "court" in the fifth line and insert in lieu thereof the following: "*Provided*, that in all counties of less population than twenty-five thousand the judge of probate shall be one of and *ex officio* presiding officer of said court and shall have jurisdiction of all county business, as may be provided by law, except the levy and assessment of taxes, appropriations of money and settlements with treasurer and collector and approval of bonds."

which was read.

On motion of Mr. Rucker leave of absence was granted Mr. Hale.

On motion of Mr. Crockett leave of absence was granted Mr. Wallace.

On motion of Mr. Conway leave of absence was granted Messrs. Pipkin and Gantt.

On motion of Mr. Shackelford leave of absence was granted Mr. Dryden.

On motion of Mr. Watkins leave of absence was granted Mr. Edwards of St. Louis.

On motion of Mr. Fyan leave of absence was granted Mr. Wagner.

417] On motion of Mr. Chrisman leave of absence was granted Mr. Black.

On motion leave of absence was granted Mr. Brockmeyer.

On motion of Mr. Conway the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

In compliance with the resolution offered by Mr. Cottey this morning providing that a committee of thirteen, consisting of one from each congressional district be appointed to prepare an address to the people of the State to be published with the Constitution, the President announced the following committee—Chrisman, Cottey, Shanklin, McKillop, Farris, McKee, Fyan, Adams, Maxey, Davis, Spaunhorst, Todd and Shields.

The Convention resumed the consideration of the amendment offered by Mr. Rippey to Section thirty-nine pending at adjournment.

The question being upon the adoption of the said amendment, it was rejected.

The question recurring upon the adoption of the amendment offered by Mr. Shackelford to the substitute offered by Mr. Shanklin, it was adopted.

The question being upon the adoption of the substitute offered by Mr. Shanklin as amended, and the ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Allen	Davis	McKee	Priest	Shanklin	
Alexander	Hardin	Nickerson	Rippey		
Chrisman	Lay	Norton	Shackelford		13

NOES

Boone	Dysart	Holliday	McKillop	Taylor	
Bradfield	Edwards	Hyer	Ray	of St. Louis	
Carleton	of Iron	Johnston	Rider	Watkins	
Conway	Eitzen	of Nodaway	Ross	Mr. President	
Cottey	Farris	Mabrey	of Polk		
Crews	Fyan	Massey	Rucker		
Crockett	Halliburton	Maxey	Switzler		28

ABSENT

Gottschalk	Lackland	Letcher	Mortell	Mudd	5

ABSENT WITH LEAVE

Adams	Edwards	Johnson	Pulitzer	Spaunhorst	
Black	of St. Louis	of Cole	Roberts	Taylor	
Broadhead	Gantt	McAfee	Ross	of Jasper	
Brockmeyer	Hale	McCabe	of Morgan	Todd	
Dryden	Hammond	Pipkin	Shields	Wagner	
				Wallace	22

418] Mr. Holliday offered the following amendment to Section thirty-nine:

Amend Section thirty-nine by striking out of the first line these words, "three judges," and insert the words, "one or more judges not exceeding five," in lieu thereof.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Davis	Holliday	Rippey	Shanklin	4

NOES

Allen	Crockett	Hyer	Nickerson	Switzler	
Alexander	Dysart	Johnston	Norton	Taylor	
Boone	Edwards	of Nodaway	Priest	of St. Louis	
Bradfield	of Iron	Lay	Ray	Watkins	
Carleton	Eitzen	Mabrey	Rider	Mr. President	
Chrisman	Farris	Massey	Ross		
Conway	Fyan	Maxey	of Polk		
Cottey	Halliburton	McKee	Rucker		37
Crews	Hardin	McKillop	Shackelford		

ABSENT

Gottschalk	Lackland	Letcher	Mortell	Mudd	5

ABSENT WITH LEAVE

Adams	Edwards	Johnson	Roberts	Taylor	
Black	of St. Louis	of Cole	Ross	of Jasper	
Broadhead	Gantt	McAfee	of Morgan	Todd	
Brockmeyer	Hale	McCabe	Shields	Wagner	
Dryden	Hammond	Pipkin	Spaunhorst	Wallace	
		Pulitzer			22

Mr. Crews offered the following amendment to Section thirty-nine:

Amend by striking out the word "five" in the fourth line.

which was read.

The ayes and noes being demanded by five members the amendment was agreed to by the following vote:

AYES

Allen	Cottey	Massey	Rippey	Watkins	
Alexander	Crews	Maxey	Rucker	Mr. President	
Boone	Davis	McKee	Shackelford		24
Carleton	Johnston	McKillop	Shanklin		
Chrisman	of Nodaway	Nickerson	Taylor		
Conway	Lay	Norton	of St. Louis		

NOES

419]Bradfield	Edwards	Fyan	Hyer	Rider	
Crockett	of Iron	Halliburton	Lackland	Ross	
Dysart	Eitzen	Hardin	Mabrey	of Polk	
	Farris	Holliday	Ray	Switzler	17

ABSENT

Gottschalk	Letcher	Mortell	Mudd	4

ABSENT WITH LEAVE

Adams	Edwards	Johnson	Pulitzer	Taylor	
Black	of St. Louis	of Cole	Roberts	of Jasper	
Broadhead	Gantt	McAfee	Ross	Todd	
Brockmeyer	Hale	McCabe	of Morgan	Wagner	
Dryden	Hammond	Pipkin	Shields	Wallace	
		Priest	Spaunhorst		23

Mr. Holliday offered the following substitute for Section thirty-nine as amended:

Strike out Section thirty-nine as amended and substitute the following: "In each county there shall be a county court consisting of one or more judges, not exceeding three. Said court shall be a court of record and shall have jurisdiction of all county and such other business as the General Assembly may prescribe."

which was read.

Mr. Halliburton rose to a point of order and stated that the same proposition was embodied in the substitute offered by Mr. Shanklin as amended and had just been re

jected. The President decided the point of order well taken and declared the substitute not in order.

Mr. Dysart offered the following amendment to Section thirty-nine:

Amend by striking out all after the word "provided" in the third line down to and including word "court" in the fifth line and insert the following: "that in all counties the judge of probate may be and in all counties of a less population than thirty thousand shall be, one of the three and the presiding judge of the court."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section thirty-nine:

Amend by striking out all after the word "prescribe" in the third line down to and including the word "court" in the fifth line.

420] which was read.

On motion of Mr. Norton leave of absence was granted Mr. Priest.

The question being upon the adoption of the amendment offered by Mr. Shanklin to Section thirty-nine, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Hardin	Johnston	Norton	Taylor	
Alexander	Holliday	of Nodaway	Shackelford	of St. Louis	
Crews	Hyer	McKee	Shanklin	Watkins	13

NOES

Boone	Crockett	Farris	Maxey	Ross	
Bradfield	Davis	Fyan	McKillop	of Polk	
Carleton	Dysart	Halliburton	Nickerson	Rucker	
Chrisman	Edwards	Lay	Ray	Switzler	
Conway	of Iron	Mabrey	Rider	Mr. President	
Cottey	Eitzen	Massey	Rippey		27

ABSENT

Gottschalk	Lackland	Letcher	Mortell	Mudd	5

ABSENT WITH LEAVE

Adams	Brockmeyer	Edwards	Gantt	Hammond
Black	Dryden	of St. Louis	Hale	Johnson
Broadhead				of Cole

McAfee	Priest	Ross	Spaunhorst	Todd
McCabe	Pulitzer	of Morgan	Taylor	Wagner
Pipkin	Roberts	Shields	of Jasper	Wallace

23

Mr. Johnston of Nodaway offered the following amendment:

Amend Section thirty-nine by striking out all of said section after the word "prescribed" in the third line and insert the following: "Two of said judges shall be elected from districts into which counties may be subdivided and one from the county at large, who shall be the presiding judge, the presiding judge to be elected every four years and the associate judges to be elected every two years by the qualified electors of the county."

which was read and rejected.

Mr. Dysart offered the following amendment to Section thirty-nine:

Amend Section thirty-nine by striking out all after the word "provided" and insert the following: "that in all counties the judge of probate may be one of the three and the presiding judge of the court."

421] which was read and rejected.

Mr. Cottey demanded the previous question, which was ordered.

The question being upon the adoption of Section thirty-nine as amended, it was adopted.

Section seventeen of the report of the Committee on Judicial Department as amended and reconsidered on yesterday was taken up, read, and adopted.

Mr. Norton offered the following as a new section to the report of the Committee on Judicial Department:

Section—.All existing county court organizations in this State, with their jurisdictions and powers, as are or may be prescribed by law, shall continue until superseded by the election and qualification of justices of the county courts as provided for under this Constitution.

which was read and on motion referred to the Committee on Schedule.

Mr. Massey offered the following as a new section to the report of the Committee on Judicial Department:

Section—.No person shall be eligible to the office of presiding or associate justices of the county court, unless he be a citizen of the United States, over thirty years of age, and shall have been a citizen of this State

three years and a resident of the county for which he may be chosen one year next preceding his election or appointment.

which was read.

Mr. Boone offered the following amendment to the proposed new section offered by Mr. Massey:

Amend the proposed new section by striking out "thirty" and inserting "twenty-five" in lieu thereof.

which was read.

On motion of Mr. Cottey the amendment was laid on the table.

On motion of Mr. Eitzen the Convention adjourned until next Monday morning at 8 o'clock a. m.

422] **MONDAY, JULY 5, 1875**

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Allen leave of absence was granted Mr. Crockett.

Mr. Hardin moved the Convention adjourn until tomorrow morning at 8 o'clock. The ayes and noes being demanded by five members, the motion to adjourn was agreed to by the following vote:

AYES

Allen	Cottey	Holliday	Nickerson	Rucker	
Boone	Crews	Hyer	Ray	Taylor	
Bradfield	Dysart	Lackland	Rider	of St. Louis	
Chrisman	Farris	Lay	Ross	Watkins	
Conway	Hardin	Mabrey	of Polk	Mr. President	
					23

NOES

Alexander	Fyan	Massey	Norton	Shanklin	
Carleton	Johnston	McKee	Rippey	Switzler	
Davis	of Nodaway	McKillop	Shackelford	Wagner	14

ABSENT

Edwards of Iron	Eitzen	Halliburton	Letcher	Mudd	
	Gottschalk	Maxey	Mortell		8

ABSENT WITH LEAVE

Adams	Edwards of St. Louis	Johnson of Cole	Pulitzer	Taylor of Jasper	
Black			Roberts		
Broadhead	Gantt	McAfee	Ross of Morgan	Todd	
Brockmeyer	Hale	McCabe		Wallace	
Crockett	Hammond	Pipkin	Shields		
Dryden		Priest	Spaunhorst		23

The President declared the Convention adjourned until tomorrow morning at 8 o'clock.

TUESDAY, JULY 6, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of Saturday was read and approved.

The journal of Monday was read and approved.

Mr. Nickerson offered the following as a new section to the report of the Committee on Judicial Department:

Section—.Criminal courts now existing in any county having a population of not less than forty thousand, or in any circuit formed of several counties having an aggregate population of not less than sixty thousand, shall continue until changed or abolished by the General Assembly.

423] which was read and on motion referred to the Committee on Schedule.

Section forty-five of the report of the Committee on Judicial Department with the amendment offered by Mr. Davis (reconsidered) June 28th, was taken up.

Mr. Adams offered the following substitute for the amendment offered by Mr. Davis, to Section forty-five:

Strike out the amendment offered by Mr. Davis to Section forty-five and substitute therefor the following: "The court of common pleas at

Cape Girardeau shall not be abolished until terms of the circuit court shall be provided for at that place."

which was read and rejected.

The question recurring upon the adoption of the amendment offered by Mr. Davis, it was rejected.

Mr. Davis moved to reconsider the vote by which the following amendment to the amendment offered by Mr. Adams to Section forty-five as amended, "Strike out the words 'presided over by any circuit judge,' " was rejected. The motion to reconsider was agreed to.

The question being upon the adoption of the amendment offered by Mr. Davis, it was adopted.

Mr. Shanklin offered the following amendment to Section forty-five of the report of the Committee on Judicial Department:

Amend by striking out all after the word "courts" in the fifth line.

which was read and adopted.

The question recurring upon the adoption of Section forty-five as amended, it was adopted.

Mr. Nickerson offered the following resolution:

Resolved, That all the amendments offered to Section forty-five of the report of the Committee on Judicial Department be referred to the Committee on Schedule.

which was read and adopted.

Mr. Hardin offered the following resolution:

No court of common pleas shall be abolished or its jurisdiction impaired until the Legislature shall make provision for terms of the circuit court in lieu thereof at the place where such court is now held.

which was read and referred to the Committee on Schedule.

424] On motion of Mr. Shackelford the report of the Committee on Judicial Department was referred to the Committee on Revision with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed.

Mr. Crews offered the following as a new section to the report of the Committee on Judicial Department:

It shall not be competent for any court of record in this State to refer any case pending in said court to any person with power or authority for

such person to hear the evidence or determine the issues, unless by consent of the parties thereto.

which was read and on motion referred to the Committee on Judicial Department.

On motion of Mr. Brockmeyer Section one of Article ———of the report of the Committee on Legislative Department on Limitations upon Legislative Power, laid over informally, was taken up.

Vice-President Watkins in the chair.

Mr. Brockmeyer moved to fill the blank in the third subdivision of Section one with the word "ten."

Mr. Johnson of St. Clair moved to fill the blank with the word "fifteen."

On motion of Mr. Norton the third subdivision of Section one and pending propositions were laid over informally.

The fourth subdivision of Section one was read.

Mr. Brockmeyer offered the following amendment to the fourth subdivision of Section one:

Amend by inserting the word "of" after the word "cost."

which was read and agreed to.

On motion of Mr. Adams the third subdivision of Section one, which was laid over informally, was taken up.

Mr. Adams offered the following amendment to Section one:

Amend by striking out all after the word "debt" in the ninth line down to and including the word "seventh" in the fifteenth line and also by striking out the words, "the pay of the General Assembly and," in the fifteenth line.

which was read.

On motion of Mr. Massey Section one and amendments were laid over informally.

Section sixteen of the report of the Committee on Legislative Department, laid over informally June 28th, was **425**] taken up.

Mr. Norton offered the following amendment to Section sixteen:

Amend Section sixteen by filling the blank in the second line with the word "six."

which was read and adopted.

Mr. Norton offered the following amendment to Section sixteen:

Amend Section sixteen as amended by filling the blank in the third line with the word "seven."

which was read and adopted.

Mr. Holliday offered the following amendment to Section sixteen:

Amend Section sixteen by striking out the word "January" in the second line and insert the word "December" in lieu thereof.

which was read and rejected.

Mr. Roberts offered the following amendment to Section sixteen:

Amend by striking out "two" in line four and insert "four."

which was read and rejected.

Mr. Brockmeyer offered the following amendment to Section sixteen:

Amend by adding to the end of the section the following words, "next after this election."

which was read and rejected.

Mr. Todd offered the following amendment to Section sixteen:

Amend by inserting the words, "after the first day," after the word "Wednesday" in lines two and four.

which was read and adopted.

Mr. Conway offered the following amendment to Section sixteen:

Amend by striking out the words, "their election," and inserting the words, "the election of the members thereof."

which was read and adopted.

The question recurring upon the adoption of Section sixteen as amended, it was adopted.

Sections two, three, four, five, six and seven of the report of the Committee on Legislative Department, passed over informally, were taken up.

Section two was read and rejected.
Section three was read and rejected.
Section four was read and rejected.
Section five was read and rejected.
Section six was read and rejected.
Section seven was read and rejected.

The proposed new section to the report of the Committee on Legislative Department offered by Mr. Maxey and laid over informally June 30, 1875, was then taken up and rejected.

426] On motion of Mr. Norton, all except Section one of Article———of Limitation upon Legislative Powers was referred to the Committee on Revision with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed.

Mr. Spaunhorst offered the following proposed new section to the report of the Committee on Executive and Ministerial Departments of State Government:

Section—. Any officer in the State may be proceeded against criminally by information for any wilful and fraudulent violation or neglect of official duty, and on conviction shall be removed from office, and the General Assembly shall provide by law for securing to informers suitable rewards and regulate such proceedings.

which was read and on motion referred to the Committee on Executive and Ministerial Departments of the State Government.

Mr. Switzler offered the following as an article on the subject of capitation tax:

Be it ordained by the people of the State of Missouri, in Convention assembled, as follows:

Section 1. No person shall be deemed a qualified voter in this State at any election therein who shall not have paid within the year next preceding the election at which he offers to vote, or within the same year if it be due and assessed, a capitation tax of one dollar.

Section 2. The funds arising from said tax shall be appropriated exclusively for educational purposes. At the election to be held for the purposes of ascertaining the sense of the people in regard to the adoption or rejection of the Constitution adopted by this Convention, this article shall be submitted separately to the voters of this State, qualified as such under the present Constitution and laws thereof. The election herein provided for shall be by ballot. Those ballots in favor of this article

shall have written or printed thereon the words, "Shall there be a capitation tax for educational purposes? Yes." Those opposed to the article shall have written or printed thereon the words, "Shall there be a capitation tax for educational purposes? No." If a majority of the votes cast shall be in favor of this article the same shall be valid and have full force and effect as a part of the Constitution of this State. If a majority of 427] such votes shall be against this article, it shall have no force or validity whatsoever. The Governor of this State shall by proclamation make known the result of the election herein provided for.

which was read and on motion of Mr. Norton referred to the Committee on Separate Propositions and one hundred and fifty copies ordered printed.

On motion of Mr. Cottey the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Chrisman from the Special Committee to which was referred Section five of the report of the Committee on Political Boundaries and Subdivisions of the State, submitted the following report:

Mr. President:

The Special Committee to which was referred Section five of the Report of the Committee on Boundaries and Political Subdivisions of the State has considered the same and recommends the adoption of the accompanying section as a substitute therefor:

No county, township, city or other municipality shall hereafter become a subscriber to the capital stock of any railroad corporation or other corporation or association, or make appropriation or donation, or loan its credit to or in aid of any such corporation or association, or to or in aid of any college or institution of learning or other institution, whether created for or to be controlled by the State or others; and all authority heretofore conferred for any of the purposes aforesaid by the General Assembly or by the charter of any corporation is hereby repealed. *Provided, however*, that the adoption of this Constitution shall not be construed to affect the right of any such municipality to make such subscriptions whether the same has been authorized under existing laws by a vote of the people of such municipality prior to such adoption, or to prevent renewal bonds or other means being used as is or may be prescribed by law for the liquidation or payment of such subscription or of any existing indebtedness.

which was read and on motion of Mr. Holliday laid over informally.

428] Mr. Lackland moved that one hundred copies of the report be ordered printed, which was not agreed to.

On motion of Mr. Norton the report of the Committee on Banks and Corporations was taken up, and considered section by section.

Section one was read and adopted.

Section two was read.

Mr. Shanklin offered the following amendment to Section two:

Amend by striking out all after the word "amended" in the second line down to and including the word "State" in the third line.

which was read and rejected.

Mr. Adams offered the following amendment to Section two:

Amend by adding the following: "This section shall not be construed to prevent the General Assembly from creating new counties or other *quasi* corporations or subdivisions of the State for governmental or common school purposes."

which was read.

Mr. Holliday offered the following amendment to the amendment:

Amend the amendment by striking out the words, "or other *quasi* corporations."

which was read and adopted.

Mr. Ross of Polk offered the following amendment to the amendment offered by Mr. Adams:

Amend by striking out the words, "or common schools."

which was read and adopted.

The question recurring on the adoption of the amendment offered by Mr. Adams as amended, it was rejected.

Mr. Adams offered the following amendment to the title:

Amend by prefixing the words, "Article—— of."

which was read and adopted.

Mr. Lackland offered the following amendment to Section two:

Amend by inserting the words, "have its," between the words "or" and "charter" in the first line and by striking out the words, "by special 429] laws," in the first line and inserting the same after the word "amended" in the second line.

which was read and adopted.

Mr. Wagner moved to reconsider the vote by which the amendment offered by Mr. Shanklin to Section two was rejected. The motion to reconsider was agreed to.

The question being on the adoption of the amendment offered by Mr. Shanklin to Section two, it was adopted.

Mr. Shanklin offered the following substitute for Section two as amended:

The charter of no corporation shall be extended, changed or amended by special law, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State.

which was read.

Mr. Mudd offered the following amendment to the substitute:

Amend by striking out the words, "to be and remain."

which was read and adopted.

Mr. Conway offered the following amendment to the substitute:

Amend by striking out all after the word "purposes."

which was read and rejected.

Mr. Todd offered the following amendment to the substitute:

Amend by adding the following words after the word "State," "which latter may be extended, changed or amended, anything in this Constitution to the contrary notwithstanding."

which was read and rejected.

The question recurring on the adoption of the substitute as amended offered by Mr. Shanklin for Section two as amended, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

430] Alexander	Davis	Mudd	Rucker	Taylor	
Boone	Edwards	Norton	Shackelford	of St. Louis	
Brockmeyer	of Iron	Rider	Shanklin	Watkins	
Carleton	Eitzen	Rippey	Spaunhorst		
Chrisman	Johnson	Ross	Taylor		
Cottey	of Cole	of Morgan	of Jasper		22

NOES

Adams	Fyan	Hyer	Letcher	Priest	
Bradfield	Gottschalk	Johnston	Mabrey	Ray	
Conway	Halliburton	of Nodaway	Massey	Roberts	
Crews	Hardin	Lackland	McKillop	Todd	
Dysart	Holliday	Lay	Pipkin	Mr. President	
					24

ABSENT

Allen	Gantt	Mortell	Ross	Wagner	
Broadhead	Maxey	Nickerson	of Polk		
Farris	McKee	Pulitzer	Switzler		12

ABSENT WITH LEAVE

Black	Edwards	Hale	McAfee	Shields	
Crockett	of St. Louis	Hammond	McCabe	Wallace	10
Dryden					

Mr. Johnston of Nodaway offered the following substitute for Section two:

Section 2. No corporation shall be created nor have its charter extended or amended by special laws, but the General Assembly shall provide by general laws for the organization of all corporations hereafter created: *Provided*, that corporations heretofore created for charitable, educational, penal, or reformatory purposes shall not be construed to be included within the prohibitions contained in this section.

which was read.

Mr. Spaunhorst offered the following amendment to the substitute:

Amend by striking out all after and including the word "Provided."

which was read and adopted.

The question recurring on the adoption of the substitute as amended, it was adopted.

Mr. Hardin offered the following substitute for the section as amended by the substitute:

No corporation shall be created by special law, nor have its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes which are to be and remain under the patronage and control of the State, but the General Assembly shall provide by general laws for the organization of all corporations hereafter created.

which was read and rejected.

431] Mr. Bradfield offered the following substitute for Section two as amended by the substitute offered by Mr. Johnston of Nodaway:

No corporation after the adoption of this Constitution shall be created by special laws; nor shall any existing charter be extended, changed or amended by special laws, except those for charitable, educational, penal or reformatory purposes which are under the patronage and control of the State.

which was read and adopted.

Mr. Roberts offered the following amendment to the substitute by Mr. Bradfield:

Amend by striking out all after and including the word "except."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Mudd	Priest	Roberts	Spaunhorst	Mr. President	5

NOES

Adams	Edwards	Johnson	McKillop	Shanklin	
Alexander	of Iron	of Cole	Norton	Taylor	
Bradfield	Eitzen	Johnston	Pipkin	of Jasper	
Carleton	Fyan	of Nodaway	Rider	Taylor	
Chrisman	Gottschalk	Lackland	Rippey	of St. Louis	
Conway	Halliburton	Lay	Ross	Todd	
Crews	Hardin	Letcher	of Morgan	Wagner	
Davis	Holliday	Mabrey	Rucker	Watkins	37
	Hyer	Massey	Shackelford		

ABSENT

Allen	Cottey	Maxey	Pulitzer	Switzler	
Boone	Dysart	McKee	Ray		
Brockmeyer	Farris	Mortell	Ross		
Broadhead	Gantt	Nickerson	of Polk		16

ABSENT WITH LEAVE

Black	Edwards	Hale	McAfee	Shields	
Crockett	of St. Louis	Hammond	McCabe	Wallace	10
Dryden					

Mr. Johnson of Cole offered the following substitute for Section two as amended by the substitute offered by Mr. Bradfield:

The General Assembly may extend, change or amend the charter of any charitable, educational, penal or reformatory corporation or institution heretofore established under the patronage and control of the State.

which was read.

Mr. Spaunhorst rose to a point of order and stated the 432] substitute could not be entertained because the Convention was now treating of limitations upon the powers of corporations and was not now acting upon the extension of their powers. The President decided the point of order not well taken as the subject in the section reported by the committee is the matter referred to in the substitute offered by the member from Cole.

Mr. Crews moved that Section two and pending amendments be laid over informally, which was not agreed to.

The question recurring on the adoption of the substistute offered by Mr. Johnson of Cole, it was rejected.

Mr. Johnston of Nodaway offered the following amendment to the substitute offered by Mr. Bradfield:

Amend the substitute by striking out the following words, "which are under the patronage and control of the State."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Conway	Holliday	Johnston	Maxey	Ross	
Crews	Johnson	of Nodaway	McKillop	of Morgan	
Eitzen	of Cole	Lay			10

NOES

Adams	Bradfield	Chrisman	Edwards	Fyan
Alexander	Brockmeyer	Davis	of Iron	Gottschalk
Boone	Carleton			

Halliburton	Massey	Rippey	Spaunhorst	Todd	
Hardin	Mudd	Roberts	Taylor	Wagner	
Hyer	Norton	Rucker	of Jasper	Watkins	
Lackland	Pipkin	Shackelford	Taylor	Mr. President	
Letcher	Priest	Shanklin	of St. Louis		35
Mabrey	Rider				

ABSENT

Allen	Dysart	Mortell	Ray	Switzler	
Broadhead	Farris	Nickerson	Ross		12
Cottey	McKee	Pulitzer	of Polk		

ABSENCE WITH LEAVE

Black	Edwards	Hale	McAfee	Shields	
Crockett	of St. Louis	Hammond	McCabe	Wallace	10
Dryden					

EXCUSED

Gantt	1

The question recurring on the adoption of Section two as amended by the substitute offered by Mr. Bradfield, it was adopted.

433] Section three was read.

Mr. Davis offered the following amendment to Section three:

Amend by adding the following: "except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution."

which was read and rejected.

Section three as amended was then adopted.

Section four was read and adopted.

Section five was read and adopted.

Section six was read and adopted.

Section seven was read.

Mr. Shackelford offered the following amendment to Section seven:

Amend Section seven by adding at the end thereof as follows: "and except such as may be or may have been given to an educational institution for endowment purposes."

which was read.

Mr. Spaunhorst moved to refer Section seven and pending amendment to the Committee on Banks and Corporations with instructions to report at an early day. The motion to refer was not agreed to.

The question being on the adoption of the amendment offered by Mr. Shackelford, it was rejected.

Mr. Gantt offered the following amendment to Section seven:

Amend by striking out the words "take or" in the third line.

which was read and adopted.

Mr. Hardin offered the following amendment to Section seven:

Amend by striking out "six" in line three and insert "ten".

which was read and rejected.

Mr. Shanklin offered the following amendment to Section seven:

Amend Section seven by inserting the words "hereafter acquired" between the words "estate" and "for" in the third line.

which was read and rejected.

Mr. Spaunhorst offered the following amendment to Section seven:

Amend by striking out all after the word "organized" in the second line.

434] which was read and rejected.

Mr. Crews offered the following amendment to Section seven:

Amend by striking out the word "six" in line three and insert the word "five" in lieu thereof.

which was read.

Mr. Cottey offered the following amendment to the amendment:

Amend by striking out the word "five" and insert in lieu thereof the word "eight."

which was read.

The ayes and noes being demanded by five members, amendment to the amendment was rejected by the following vote:

AYES

Alexander	Hardin	Ray	Taylor	Taylor	
Conway	Lackland	Rider	of Jasper	of St. Louis	
Cottey	Lay	Shackelford		Todd	12

NOES

Adams	Edwards	Hyer	McKillop	Ross	
Boone	of Iron	Johnson	Mudd	of Polk	
Bradfield	Eitzen	of Cole	Norton	Rucker	
Brockmeyer	Farris	Johnston	Pipkin	Shanklin	
Carleton	Fyan	of Nodaway	Priest	Spaunhorst	
Chrisman	Gantt	Letcher	Rippey	Wagner	
Crews	Gottschalk	Mabrey	Roberts	Mr. President	
Davis	Halliburton	Massey	Ross		
	Holliday	Maxey	of Morgan		37

ABSENT

Allen	Dysart	Mortell	Pulitzer	Watkins	
Broadhead	McKee	Nickerson	Switzler		9

ABSENT WITH LEAVE

Black	Edwards	Hale	McAfee	Shields	
Crockett	of St. Louis	Hammond	McCabe	Wallace	10
Dryden					

Mr. Spaunhorst offered the following amendment to the amendment offered by Mr. Crews:

Amend by substituting the word "three" in place of the word "five."

which was read and rejected.

The question recurring on the adoption of the amendment offered by Mr. Crews, it was rejected.

Mr. Johnston of Nodaway offered the following amendment to Section seven:

Amend by adding the following: "Provided that vested rights shall not be hereby affected."

435] which was read and rejected.

Mr. Shackelford offered the following amendment to Section seven:

Amend by adding the following: "Provided that real property acquired by educational institutions for endowment purposes may be held for a period of ten years."

which was read and rejected.

Mr. Todd offered the following amendment to Section seven:

Amend by inserting after the word "years" in line three these words, "except it shall have been taken for debt and could not be sold for the amount thereof within said time and."

which was read.

Mr. Priest moved that the Convention adjourn until tomorrow, 8 o'clock a. m., which was not agreed to.

Mr. Conway moved that the further consideration of Section seven and pending amendment be postponed until tomorrow at 8:30 o'clock a. m., which was agreed to.

On motion of Mr. Conway the Convention adjourned until tomorrow at 8 o'clock a. m.

WEDNESDAY, JULY 7, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

On motion of Mr. Wagner leave of absence was granted Mr. Rippey.

Mr. Farris offered the following resolution as an amendment to the standing rules of the Convention:

Resolved, That hereafter the ayes and noes shall not be called on any question unless upon the demand of ten members of the Convention.

which was read and laid over under the rules.

Mr. Wallace gave notice to reconsider the vote by which the majority report of the Special Committee to which Section thirty-nine of the report on Judicial Department was adopted and have this motion entered on the journal.

436] The Convention resumed the consideration of Section seven of the report of the Committee on Banks and Corporations and amendment pending at adjournment.

The question being on the adoption of the amendment offered by Mr. Todd to Section seven, it was rejected.

Mr. Shackelford offered the following amendment to Section seven:

Amend by adding thereto the following: "Provided, the prohibition to hold real estate shall not apply to cases when real estate has been purchased to secure debts contracted in the ordinary course of legitimate business."

which was read.

The hour of 9 o'clock having arrived, the President announced the special order, being the consideration of the report of the Committee on Education.

On motion of Mr. Boone the special order was laid over informally.

The Convention resumed the consideration of Section seven of the report of the Committee on Banks and Corporations and pending amendment.

On motion of Mr. Rippey leave of absence was granted Mr. Dysart.

The question recurring upon the adoption of the amendment offered by Mr. Shackelford, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Chrisman	Johnston	Rucker	Taylor
Alexander	Conway	of Nodaway	Shackelford	of Jasper
Black	Hardin	Lay	Shields	Taylor
Bradfield	Johnson	Nickerson	Switzler	of St. Louis
Brockmeyer	of Cole	Rider		Todd
				Wallace 21

NOES

Adams	Farris	Mabrey	Pipkin	Ross
Boone	Fyan	Massey	Priest	of Polk
Carleton	Gantt	Maxey	Ray	Shanklin
Crews	Halliburton	McKillop	Rippey	Spaunhorst
Crockett	Holliday	Mortell	Roberts	Wagner
Edwards	Hyer	Mudd	Ross	Watkins
of Iron	Lackland	Norton	of Morgan	Mr. President
Eitzen				33

ABSENT

Broadhead	Davis	Gottschalk	Letcher	Pulitzer
Cottey				6

ABSENT WITH LEAVE

437] Dryden	Edwards	Hale	McAfee	
Dysart	of St. Louis	Hammond	McCabe	7

SICK

McKee 1

The question recurring upon the adoption of Section seven as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Adams	Eitzen	Mabrey	Ray	Shanklin
Boone	Farris	Massey	Rippey	Wagner
Bradfield	Fyan	Maxey	Ross	Watkins
Brockmeyer	Gantt	McKillop	of Morgan	Mr. President
Carleton	Halliburton	Pipkin	Ross	29
Crews	Holliday	Priest	of Polk	
Crockett	Hyer	Pulitzer		

NOES

Allen	Hardin	Lay	Shields	Taylor
Alexander	Johnson	Mortell	Spaunhorst	of St. Louis
Black	of Cole	Nickerson	Switzler	Todd
Chrisman	Johnston	Rider	Taylor	Wallace
Conway	of Nodaway	Shackelford	of Jasper	23
Edwards	Lackland	Rucker		
of Iron				

ABSENT

Broadhead	Davis	Letcher	Norton	
Cottey	Gottschalk	Mudd	Roberts	8

ABSENT WITH LEAVE

Dryden	Edwards	Hale	McAfee	
Dysart	of St. Louis	Hammond	McCabe	7

SICK

McKee 1

Section eight was read.

Mr. Gottschalk offered the following amendment to Section eight:

Amend by striking out lines one and two and also the word "void" in line three and insert in lieu thereof the following: "No corporation shall issue stock except for money actually paid, and all fictitious increase

of stock or indebtedness shall be void, nor shall any bonds be issued, except for labor done, or money, or property actually received."

which was read.

Mr. Johnson of Cole offered the following amendment to the amendment:

Amend by striking out the words, "except for money actually paid" and insert in lieu thereof the following: "until the full par value thereof has been actually paid in money."

438] which was read and rejected.

The question recurring on the adoption of the amendment offered by Mr. Gottschalk, it was rejected.

Mr. Eitzen offered the following amendment to Section eight:

Amend by inserting between the words "paid" and "labor" in the first line the following words: "or property secured."

which was read and rejected.

Mr. Taylor of St. Louis offered the following amendment to Section eight:

Amend by adding the following words: "*Provided*, that all such corporations shall publish semi-annually a list of their stockholders and the amount of stock respectively held by them."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section eight:

Amend by striking out the words "or bonds" in the first line.

which was read and rejected.

Mr. Shanklin offered the following amendment to Section eight:

Amend by striking out the words "and indebtedness" in the third line.

which was read.

Mr. Spaunhorst offered the following substitute for Section eight:

No corporation shall issue certificates of its capital stock unless the money therefor has actually been paid, or for property actually received, or any unpaid part of its capital stock not exceeding one-half of the amount of its capital stock subscribed, shall have been sufficiently secured by unincumbered real estate located in this State. All fictitious

increase of capital stock of every kind shall be void. The capital stock or bonded indebtedness of corporations shall not be increased, nor shall bonds be issued except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained.

439] which was read.

On motion of Mr. Pulitzer the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Shanklin to Section eight of the report of the Committee on Banks and Corporations pending at adjournment.

The question being on the adoption of the amendment, the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Dysart	Lay	Shackelford	Taylor
Allen	Farris	Mudd	Shanklin	of St. Louis
Black	Hardin	Nickerson	Shields	Todd
Boone	Johnston	Norton	Spaunhorst	Wallace
Chrisman	of Nodaway	Pulitzer	Taylor	Watkins
Conway	Lackland	Rippey	of Jasper	26

NOES

Alexander	Edwards	Holliday	McKillop	Ross
Bradfield	of Iron	Hyer	Pipkin	of Polk
Brockmeyer	Fyan	Johnson	Priest	Rucker
Carleton	Gantt	of Cole	Ray	Switzler
Cottey	Gottschalk	Mabrey	Rider	Wagner
Crews	Hale	Massey	Roberts	Mr. President
Crockett	Halliburton	Maxey	Ross	
Davis			of Morgan	32

ABSENT

Broadhead	Eitzen	Letcher	Mortell	4

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	McAfee	McCabe	5

SICK

McKee 1

Mr. Massey offered the following amendment to Section eight:

Amend as follows: Insert the word "bonded" between the words "and" and "indebtedness" in the third line.

which was read and adopted.

The question recurring on the adoption of the substitute offered by Mr. Spaunhorst for Section eight, it was rejected.

The question then being on the adoption of Section eight as amended, and the ayes and noes being demanded by five members, it was adopted by the following vote:

AYES

440] Adams	Davis	Halliburton	Pipkin	Rucker	
Alexander	Dysart	Holliday	Priest	Switzler	
Boone	Edwards	Hyer	Ray	Taylor	
Bradfield	of Iron	Johnson	Rider	of St. Louis	
Brockmeyer	Eitzen	of Cole	Roberts	Wagner	
Carleton	Fyan	Mabrey	Ross	Watkins	
Cottey	Gantt	Massey	of Morgan		
Crews	Gottschalk	Maxey	Ross		
Crockett	Hale	McKillop	of Polk		37

NOES

Allen	Hardin	Mudd	Shackelford	Taylor	
Black	Johnston	Nickerson	Shanklin	of Jasper	
Chrisman	of Nodaway	Norton	Shields	Todd	
Conway	Lackland	Pulitzer	Spaunhorst	Wallace	
Farris	Lay	Rippey		Mr. President	
					22

ABSENT

Broadhead	Letcher	Mortell	3

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	McAfee	McCabe	5

SICK

McKee 1

Section nine was read.

Mr. Lay offered the following substitute for Section nine:

The General Assembly shall have the power to alter or amend any charter of incorporation now existing or any that may hereafter be organized under the general law, whenever, in their opinion, it may be injurious to the citizens of this State, in such manner that no injustice shall be done to the corporation, and the General Assembly may repeal the charter of any corporation which is subject to repeal at the time of the adoption of this Constitution.

which was read.

Mr. Hale offered the following amendment to Section nine:

Amend by striking out in the third line the following words: "or any that may hereafter be organized under general law."

which was read.

Mr. Spaunhorst rose to a point of order and stated that a substitute was pending and an amendment to the original section was out of order. The President decided the point of order not well taken.

Mr. Johnson of Cole moved to lay Section nine and pending amendments on the table, which was agreed to.

Mr. Switzler in the chair.

Section ten was read.

441] Mr. Lackland offered the following amendment to Section ten:

Amend by striking out all after the word "indebtedness" in the fifth line.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Black	Chrisman	Lackland	Wallace	4

NOES

Adams	Bradfield	Cottey	Dysart	Farris
Allen	Brockmeyer	Crews	Edwards	Fyan
Alexander	Carleton	Crockett	of Iron	Gantt
Boone	Conway	Davis	Eitzen	Gottschalk

Hale	Lay	Pipkin	Ross	Taylor	
Halliburton	Mabrey	Priest	of Polk	of Jasper	
Hardin	Maxey	Ray	Rucker	Taylor	
Holliday	Massey	Rider	Shackelford	of St. Louis	
Hyer	McKillop	Rippey	Shanklin	Todd	
Johnson	Mudd	Roberts	Shields	Wagner	
of Cole	Nickerson	Ross	Spaunhorst	Watkins	53
Johnston	Norton	of Morgan	Switzler		
of Nodaway					

ABSENT

Broadhead	Letcher	Mortell	Pulitzer	Mr. President	5

ABSENT WITH LEAVE

Dryden	Edwards	Hammond	McAfee	McCabe	5
	of St. Louis				

SICK

McKee	1

Mr. Maxey offered the following amendment to Section ten:

Amend by inserting the word "stockholders" after the word "directors" in the third line.

which was read and rejected.

Mr. Farris offered the following substitute for Section ten:

Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of the stock owned by him or her.

which was read.

Mr. Johnson of Cole rose to a point of order and stated that the substitute was out of order because it was not germane to the subject matter under consideration. The Chair decided the point of order not well taken.

The question recurring on the adoption of the substitute offered by Mr. Farris, it was rejected.

Mr. Eitzen offered the following amendment to Section ten:

Amend by striking out all after the word "restored" in the third line.

442] which was read and rejected.

Mr. Gantt offered the following amendment to Section ten:

Amend by inserting the word "such" before "corporations" in the third line.

which was read.

Mr. Chrisman offered the following substitute for Section ten and pending amendments, which was not agreed to.

Mr. Farris moved to lay Section ten and pending amendments on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Allen	Farris	Lay	Ross	Switzler	
Black	Hardin	Mudd	of Morgan	Taylor	
Chrisman	Holliday	Nickerson	Ross	of Jasper	
Conway	Johnston	Norton	of Polk	Todd	
Cottey	of Nodaway	Rider	Shackelford	Wallace	
Crews	Lackland	Rippey	Shanklin		
Eitzen			Spaunhorst		27

NOES

Adams	Dysart	Halliburton	Pipkin	Shields	
Alexander	Edwards	Hyer	Priest	Taylor	
Boone	of Iron	Johnson	Pulitzer	of St. Louis	
Bradfield	Fyan	of Cole	Ray	Wagner	
Brockmeyer	Gantt	Mabrey	Roberts	Watkins	
Carleton	Gottschalk	Massey	Rucker	Mr. President	
Crockett	Hale	Maxey			
Davis		McKillop			32

ABSENT

Broadhead	Mortell	2

ABSENT WITH LEAVE

Dryden	Hammond	Letcher	McAfee	McCabe	
Edwards					
of St. Louis					6

SICK

McKee	1

Mr. Pipkin moved to reconsider the vote by which the substitute offered by Mr. Farris for Section ten was rejected, which was agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Gantt to Section ten, it was adopted.

Mr. Gottschalk offered the following amendment to Section ten:

Amend Section ten by inserting after the word "corporation" in line three the words, "except banking companies."

which was read and rejected.

443] By leave of the Convention, Mr. Farris withdrew his substitute for Section ten.

Mr. Johnson of Cole offered the following amendment to Section ten:

Amend Section ten by striking out the words, "over and above the amount of capital stock actually paid in at the time of the creation of such indebtedness," and insert the words, "after such insolvency," in lieu thereof.

which was read and rejected.

The question then being on the adoption of the substitute offered by Mr. Chrisman for Section ten, and the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Adams	Cottey	Johnston	Ross	Taylor	
Allen	Edwards	of Nodaway	of Morgan	of Jasper	
Black	of Iron	Lay	Ross	Todd	
Boone	Eitzen	Mudd	of Polk	Wallace	
Bradfield	Farris	Nickerson	Shackelford	Mr. President	
Brockmeyer	Hardin	Norton	Shanklin		
Chrisman	Holliday	Pulitzer	Spaunhorst		
Conway		Rider	Switzler		31

NOES

Alexander	Gantt	Lackland	Pipkin	Shields	
Crews	Gottschalk	Letcher	Priest	Taylor	
Crockett	Hale	Mabrey	Ray	of St. Louis	
Davis	Halliburton	Massey	Rippey	Wagner	
Dysart	Hyer	Maxey	Roberts	Watkins	
Fyan	Johnson	McKillop	Rucker		28
	of Cole				

ABSENT

Broadhead	Carleton	Mortell	3

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	McAfee	McCabe	5

SICK

McKee 1

The question recurring on the adoption of Section ten as amended by the substitute, and the ayes and noes being demanded by five members, the section as amended was rejected by the following vote:

AYES

Adams	Conway	Hardin	Rider	Spaunhorst	
Allen	Cottey	Johnston of Nodaway	Ross of Morgan	Switzler	
Black	Crockett	Lay	Ross of Polk	Taylor of Jasper	
Boone	Edwards of Iron	Mudd	Shackelford	Todd	
Bradfield	Eitzen	Nickerson		Mr. President	
Chrisman					25

NOES

444] Alexander	Gottschalk	Lackland	Priest	Shields	
Brockmeyer	Gantt	Letcher	Pulitzer	Taylor of St. Louis	
Carleton	Hale	Mabrey	Ray		
Crews	Halliburton	Massey	Rippey	Wagner	
Davis	Holliday	Maxey	Roberts	Wallace	
Farris	Hyer	McKillop	Rucker	Watkins	35
Dysart	Johnson of Cole	Norton	Shanklin		
Fyan		Pipkin			

ABSENT

Broadhead Mortell 2

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	McAfee	McCabe	5

SICK

McKee 1

Mr. Farris offered the following as a new section to the report of the Committee on Banks and Corporations:

Section—. Dues from private corporations shall be secured by such means as may be prescribed by law but in no case shall any stockholder

be individually liable in any amount over or above the amount of stock owned by him or her.

which was read.

The ayes and noes being demanded by five members, the additional section was adopted by the following vote:

AYES

Adams	Crockett	Johnson of Cole	Pulitzer	Spaunhorst
Allen	Crews	Lackland	Rider	Switzler
Alexander	Edwards of Iron	Lay	Ross of Morgan	Taylor of Jasper
Black	Eitzen	Maxey	Ross of Polk	Todd
Boone	Farris	McKillop	Rucker	Wallace
Bradfield	Fyan	Mudd	Shackelford	Watkins
Chrisman	Gottschalk	Nickerson	Shields	Mr. President
Conway	Hardin	Norton		40
Cottey				

NOES

Brockmeyer	Halliburton	Letcher	Priest	Taylor of St. Louis	
Carleton	Holliday	Mabrey	Ray	Wagner	20
Davis	Hyer	Massey	Rippey		
Dysart	Johnson of Nodaway	Pipkin	Roberts		
Gantt					
Hale					

ABSENT

		Broadhead	Mortell	2

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	McAfee	McCabe	5

SICK

McKee	1

Mr. Spaunhorst offered the following as an additional section to the report of the Committee on Banks and Corporations:

445] Section—. Corporations shall not issue preferred stock unless first obtaining the consent of stockholders representing at least two-thirds of the total of its capital stock, and the interest, profit, or dividend on such preferred stock shall not exceed ten per centum per annum on the amount issued.

which was read.

Mr. Todd offered the following as a substitute for the proposed section offered by Mr. Spaunhorst:

No corporation shall issue preferred stock without the consent of all the stockholders.

which was read and adopted.

Mr. Gottschalk offered the following as a new section to the report of the Committee on Banks and Corporations:

Section—. No corporation, joint stock company or association, of more than five persons which may have been formed or incorporated under any other laws than those of this State shall do any business in this State without having one or more places of business and an authorized agent or agents in the same, upon whom process may be served, nor unless a certified copy of its charter, or articles of incorporation or association, be first filed in the office of the Secretary of State.

which was read.

On motion of Mr. Pulitzer the Convention adjourned until tomorrow, 8 o'clock a. m.

THURSDAY, JULY 8, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Farris called up his amendment to Rule 34 of the Convention as follows:

Amend Rule 34 by striking out "five" in the first line and insert "ten" so as to make the rule read: "Any ten members shall have the right to call for the ayes and noes on any question."

On motion of Mr. Farris the amendment was laid over informally.

The Convention resumed the consideration of the new section offered by Mr. Gottschalk to the report of the Com-
446] mittee on Banks and Corporations, pending at adjournment.

Mr. Mudd moved that the report and pending substitute be laid over informally, which was agreed to.

The report of the Committee on Education was taken up.

Section one was read.

Mr. Fyan offered the following amendment to Section one:

Amend by striking out the word "seventeen' in the fourth line and insert in lieu thereof the word "twenty."

which was read.

Mr. Cottey offered the following substitute for Section one and pending amendment:

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools for the gratuitous instruction of all persons in this State between the ages of five and twenty-one years.

which was read.

On motion of Mr. Pulitzer the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of Section one of the report of the Committee on Education and the amendment pending at adjournment.

The question being on the adoption of the amendment offered by Mr. Fyan, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Alexander	Cottey	Fyan	Johnson	Mabrey
Black	Crews	Hale	of Cole	McAfee
Boone	Crockett	Halliburton	Johnston	McCabe
Bradfield	Davis	Hyer	of Nodaway	McKee
Carleton	Eitzen			

McKillop	Ray	Ross	Switzler	Watkins	
Mudd	Roberts	of Polk	Taylor	Mr. President	
Nickerson	Ross	Rucker	of Jasper		35
Norton	of Morgan	Shanklin	Wagner		

NOES

Adams	Farris	Massey	Shackelford	Todd	
Chrisman	Gantt	Pipkin	Spaunhorst	Wallace	
Conway	Holliday	Priest	Taylor		
Edwards	Letcher	Pulitzer	of St. Louis		18
of Iron					

ABSENT

447]	Dysart	Lackland	Mortell	Shields	
Broadhead	Gottschalk	Lay	Rider		
Brockmeyer	Hardin	Maxey	Rippey		12

ABSENT WITH LEAVE

Dryden	Edwards	Hammond	3
	of St. Louis		

Mr. Eitzen offered the following amendment to Section one:

Amend by striking out the word "seven" in the fourth line and insert in lieu thereof the word "six."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Alexander	Davis	Halliburton	McKee	Roberts	
Black	Eitzen	Johnson	McKillop	Shanklin	
Boone	Farris	of Cole	Nickerson	Shields	
Bradfield	Fyan	Mabrey	Pulitzer	Taylor	
Cottey	Gottschalk	McAfee	Ray	of Jasper	
				Wagner	24

NOES

Adams	Edwards	Johnston	Pipkin	Switzler	
Allen	of Iron	of Nodaway	Priest	Taylor	
Carleton	Gantt	Letcher	Ross	of St. Louis	
Chrisman	Hale	Massey	of Morgan	Todd	
Conway	Holliday	McCabe	Rucker	Wallace	
Crews	Hyer	Mudd	Shackelford	Watkins	
Crockett		Norton	Spaunhorst	Mr. President	
					30

ABSENT

Broadhead	Hardin	Lay	Rider	Ross	
Brockmeyer	Lackland	Maxey	Rippey	of Polk	
Dysart		Mortell			11

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	3

Mr. Adams offered the following amendment to Section one:

Amend by striking out the words "established and" in the second and third lines and insert in lieu thereof the words "continue to."

which was read.

Mr. Norton called for a division of the question. The question being on the motion to strike out, it was rejected.

Mr. Massey offered the following amendment to Section one:

Amend by striking out all of Section one down to and including the word "people" in the second line.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Conway	Gantt	Pipkin	Taylor	
Boone	Davis	Halliburton	Priest	of St. Louis	
Bradfield	Edwards	Hyer	Spaunhorst	Watkins	
Carleton	of Iron	Massey		Mr. President	
					17

NOES

448] Allen	Fyan	Lay	Norton	Shackelford	
Alexander	Gottschalk	Letcher	Pulitzer	Shanklin	
Black	Hale	Mabrey	Ray	Shields	
Chrisman	Holliday	McAfee	Roberts	Switzler	
Cottey	Johnson	McCabe	Ross	Taylor	
Crews	of Cole	McKee	of Morgan	of Jasper	
Crockett	Johnston	McKillop	Ross	Todd	
Eitzen	of Nodaway	Mortell	of Polk	Wagner	
Farris	Lackland	Nickerson	Rucker	Wallace	40

ABSENT

Broadhead	Dysart	Maxey	Rider	
Brockmeyer	Hardin	Mudd	Rippey	8

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	3

Mr. Johnson of Cole offered the following amendment to Section one:

Amend by striking out all after the word "years" in the fourth line.

which was read and adopted.

Mr. Conway offered the following amendment to Section one:

Amend by adding thereto the following words: "and shall provide a way whereby a uniform course of study shall be prescribed for such schools."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Cottey for Section one, Mr. Johnston of Nodaway offered the following amendment to the substitute:

Amend the substitute by striking out the word "five" and insert the word "seven" in lieu thereof.

which was read and adopted.

Mr. Conway offered the following amendment to the substitute:

Amend by striking out "twenty-one" and insert the word "eighteen" in lieu thereof.

which was read and rejected.

The question recurring on the adoption of the substitute as amended, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Alexander	Eitzen	Johnston of Nodaway	McKee	Shanklin	
Black	Fyan		McKillop	Wagner	
Cottey	Gottschalk	Lay	Mortell		
Davis	Holliday	McAfee	Rippey		
Dysart	Johnson of Cole	McCabe	Ross of Polk		21

NOES

449] Adams	Edwards	Letcher	Ray	Taylor
Allen	of Iron	Mabrey	Roberts	of Jasper
Boone	Farris	Massey	Ross	Taylor
Bradfield	Gantt	Mudd	of Morgan	of St. Louis
Carleton	Hale	Nickerson	Rucker	Todd
Chrisman	Halliburton	Norton	Shackelford	Wallace
Conway	Hardin	Pipkin	Shields	Watkins
Crews	Hyer	Priest	Spaunhorst	Mr. President
Crockett	Lackland	Pulitzer	Switzler	40

ABSENT

Broadhead	Brockmeyer	Maxey	Rider	4

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	3

Mr. Shackelford offered the following substitute for Section one:

A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall encourage and aid in the establishment and maintenance of free public schools for at least four months in each year for the gratuitous instruction of children in the ordinary English branches of spelling, reading, writing, common arithmetic, grammar, geography and history of the United States, and may require by law that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of seven and twenty years, for a term equivalent to sixteen months unless educated by other means.

which was read.

Mr. Johnston of Nodaway offered the following amendment to the substitute:

Amend the substitute by adding thereto the following: "*Provided*, that the General Assembly may provide by law for a school or schools in counties, cities, towns and townships in which shall be taught such higher branches of learning as may be deemed expedient and proper."

which was read and rejected.

Mr. Spaunhorst in the chair.

Mr. Conway offered the following amendment to the substitute:

Amend by striking out all after the words "United States" in the eleventh line.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Davis	Hardin	Rippey	Taylor
Carleton	Dysart	Lay	Roberts	of St. Louis
Conway	Edwards	Mabrey	Ross	Wallace
Cottey	of Iron	Maxey	of Polk	Watkins
Crockett	Halliburton	Priest	Spaunhorst	Mr. President

22

NOES

450] Adams	Farris	Johnston	Mudd	Rucker	
Allen	Fyan	of Nodaway	Nickerson	Shackelford	
Alexander	Gantt	Lackland	Norton	Shanklin	
Black	Gottschalk	Letcher	Pipkin	Shields	
Boone	Hale	Massey	Pulitzer	Switzler	
Brockmeyer	Holliday	McCabe	Ray	Taylor	
Chrisman	Hyer	McKee	Rider	of Jasper	
Crews	Johnson	McKillop	Ross	Todd	
Eitzen	of Cole	Mortell	of Morgan	Wagner	41

ABSENT

Broadhead	McAfee	2

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	3

Mr. Cottey offered the following amendment to the substitute:

Amend the substitute by striking out all after the words, "General Assembly shall," and insert the following: "establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Alexander	Crockett	Fyan	Lay	McKee
Black	Davis	Gottschalk	Mabrey	McKillop
Brockmeyer	Dysart	Halliburton	Maxey	Nickerson
Carleton	Eitzen	Johnson	McAfee	Pulitzer
Cottey	Farris	of Cole	McCabe	Ray

Rider	Ross	Shanklin	Taylor	
Rippey	of Morgan	Shields	of Jasper	32
Roberts	Rucker			

NOES

Adams	Edwards	Johnston	Norton	Switzler
Allen	of Iron	of Nodaway	Pipkin	Taylor
Boone	Gantt	Lackland	Priest	of St. Louis
Bradfield	Hale	Letcher	Ross	Todd
Chrisman	Hardin	Massey	of Morgan	Wallace
Conway	Hyer	Mortell	Shackelford	Watkins
Crews		Mudd	Spaunhorst	Mr. President
				30

ABSENT

Broadhead	Holliday	Wagner	3

ABSENT WITH LEAVE

Dryden	Edwards	Hammond	
	of St. Louis		3

The question recurring on the adoption of the substitute as amended, and the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Alexander	Davis	Johnston	Nickerson	Shackelford	
Black	Dysart	of Nodaway	Pulitzer	Shanklin	
Boone	Eitzen	Lay	Ray	Shields	
Bradfield	Farris	Mabrey	Rider	Switzler	
Brockmeyer	Fyan	Maxey	Rippey	Taylor	
Carleton	Gottschalk	McAfee	Roberts	of Jasper	
Conway	Halliburton	McCabe	Ross	Todd	
Cottey	Johnson	McKee	of Polk	Wagner	
Crockett	of Cole	McKillop	Rucker	Watkins	41

NOES

451] Adams	Gantt	Lackland	Norton	Taylor
Allen	Hale	Letcher	Pipkin	of St. Louis
Chrisman	Hardin	Massey	Priest	Wallace
Crews	Hyer	Mudd	Spaunhorst	Mr. President
Edwards				20
of Iron				

ABSENT

Broadhead	Holliday	Mortell	Ross	
			of Morgan	4

ABSENT WITH LEAVE

Dryden	Edwards of St. Louis	Hammond	3

Mr. Johnston of Nodaway offered the following amendment to the substitute:

Amend by striking out the word "twenty" and insert in lieu thereof the word "twenty-one."

which was read and rejected.

Mr. Conway offered the following amendment to the substitute:

Amend by adding the following words: "and shall provide a way whereby a course of study for such schools shall be prescribed."

which was read and rejected.

The question recurring on the adoption of Section one as amended by the substitute, it was adopted.

On motion of Mr. Taylor of Jasper the Convention adjourned until tomorrow 8 o'clock a. m.

FRIDAY, JULY 9, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Parker.

The journal of yesterday was read and approved.

Section two of the report of the Committee on Education was read.

Mr. Pipkin offered the following amendment:

Amend Section two by adding thereto the following: "*Provided, further*, that in the distribution of said fund the counties of the State shall receive twenty-five per cent of the amount of State revenue paid annually into the treasury by such counties respectively."

452] Mr. Norton rose to a point of order and stated the section under consideration provides for the distribution only of the income or interest of all State school funds now provided by law, and that the amendment seeks to provide for

the distribution of a part of the revenue fund and is therefore not germane to the section, and consequently out of order. The President decided the point of order well taken, and decided the amendment not in order.

Mr. Halliburton offered the following amendment:

Amend Section two by striking out all after the word "law" in the second line.

which was read and rejected.

Mr. Davis moved that Section two be laid over informally, which was not agreed to.

Mr. Alexander offered the following amendment:

Amend Section two by inserting after the word "provided" in the first line the words "by the State."

which was read and agreed to.

The question recurring upon the adoption of Section two as amended, it was adopted.

Section three was read and adopted.

Section four was read.

Mr. Wagner offered the following amendment:

Amend Section four by inserting the word "and" after the word "Governor" in the third line, and by striking out the words, "and President of the State University," in the fourth line; also by striking out all after the word "education" in the fifth line.

which was read.

The question being upon the adoption of the amendment, and the ayes and noes being demanded by five members, it was agreed to by the following vote:

AYES

Adams	Fyan	McAfee	Ross	Taylor
Alexander	Halliburton	McKillop	of Morgan	of St. Louis
Boone	Hyer	Mortell	Ross	Wagner
Bradfield	Johnston	Mudd	of Polk	Wallace
Carleton	of Nodaway	Ray	Shackelford	Watkins
Chrisman	Lay	Rider	Shields	Mr. President
Conway	Mabrey	Rippey	Spaunhorst	
Cottey	Massey	Roberts	Taylor	
Crockett	Maxey		of Jasper	37
Eitzen				

NOES

Allen	Edwards	Hale	Letcher	Pipkin	
Davis	of Iron	Hardin	McCabe	Shanklin	
Dysart	Gottschalk	Lackland	McKee	Switzler	
				Todd	15

ABSENT

453] Black	Crews	Holliday	Nickerson	Pulitzer	
Broadhead	Farris	Johnson	Norton	Rucker	
Brockmeyer	Gantt	of Cole	Priest		13

ABSENT WITH LEAVE

Dryden	Edwards	Hammond	
	of St. Louis		3

Mr. Ross of Morgan offered the following amendment:

Amend Section four by striking out the words, "Superintendent of Public Schools," in the second and third lines and inserting in lieu thereof the word "Governor."

which was read and rejected.

Mr. Spaunhorst offered the following amendment:

Amend Section four by inserting in line three after the word "Governor" the words, "Secretary of State."

which was read and agreed to.

The question recurring upon the adoption of Section four as amended, it was adopted.

Section five was read.

On motion of Mr. Alexander Section five was laid on the table.

Section six was read.

Mr. Fyan offered the following amendment to Section six:

Amend by striking out all before the word "the" in the second line and insert the word "State" before the word "University" in the second line and by striking out all after the word "Governor" in the third line and inserting after the word "Governor" the following words, "by and with the advice and consent of the Senate."

which was read.

Mr. Davis offered the following substitute for Section six:

The General Assembly shall maintain the State University and the State normal schools with their present departments.

which was read.

Mr. Black called for a division of the question, first striking out the first sentence. The question being upon striking out the words, "The General Assembly shall maintain the State University now established with its present departments."

Mr. Shanklin in the chair.

Mr. Adams offered the following amendment to the amendment offered by Mr. Fyan:

454] Amend by striking out in the second line the words, "with its present departments."

which was read.

The Chair declared the amendment not now in order.

Mr. Maxey offered the following amendment to the substitute offered by Mr. Davis:

Amend the substitute by striking out all after the words; "The General Assembly shall," and insert the following: "maintain the State Agricultural College and Normal School at Columbia and the School of Mines and Metallurgy at Rolla, its present departments, and the State Normal School as now established. The government of the University and its departments shall be vested in a Board of Curators to consist of nine members to be appointed by the Governor and confirmed by the Senate, and the Superintendent of Public Schools shall be *ex officio* a member of the Board but shall have no vote in its proceedings."

which was read.

The question recurring on the motion to strike out, and the ayes and noes being demanded by five members, the motion to strike out was rejected by the following vote:

AYES

Boone	Farris	Mabrey	Roberts	Ross	
Bradfield	Fyan	Massey	Ross	of Polk	
Crockett	Halliburton	Mortell	of Morgan	Wagner	
Eitzen	Hyer	Rippey		Watkins	17

NOES

Adams	Black	Conway	Davis	Edwards
Allen	Carleton	Cottey	Dysart	of Iron
Alexander	Chrisman	Crews		Gantt

Hale	Maxey	Nickerson	Shanklin	Taylor
Hardin	McAfee	Norton	Shields	of St. Louis
Johnston	McCabe	Pipkin	Switzler	Todd
of Nodaway	McKee	Rider	Taylor	Wallace
Lackland	McKillop	Rucker	of Jasper	Mr. President
Letcher	Mudd	Shackelford		38

ABSENT

Broadhead	Gottschalk	Johnson	Lay	Pulitzer
Brockmeyer	Holliday	of Cole	Priest	Ray
				Spaunhorst 10

ABSENT WITH LEAVE

Dryden	Edwards	Hammond
	of St. Louis	3

The question then recurring on the adoption of the second part of the amendment offered by Mr. Fyan, it was adopted.

Mr. Adams offered the following amendment to Section six:

Amend section six by striking out in the second line the words, "with its present departments."

455] which was read.

On motion of Mr. Boone the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the amendment offered by Mr. Adams to Section six pending at adjournment.

The question being on the adoption of the amendment, it was rejected.

Mr. Hyer offered the following amendment to Section six:

Amend Section six as amended by inserting after the word "University" in the first line the words, "School of Mines and Metallurgy."

which was read and rejected.

Vice-President Watkins in the chair.

Mr. Davis offered the following amendment to Section six:

Amend by adding after the word "University" in the first line the words "and the State normal schools."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Halliburton	Mabrey	Mudd	Shields	
Crews	Holliday	Maxey	Nickerson	Switzler	
Davis	Johnston of Nodaway	McAfee	Rider	Todd	
Dysart		McKillop	Rippey	Watkins	19

NOES

Adams	Crockett	Hyer	Pipkin	Taylor of St. Louis	
Alexander	Edwards of Iron	Lackland	Roberts	Wagner	
Black	Eitzen	Lay	Ross of Polk	Wallace	
Boone	Fyan	Letcher	Shackelford	Mr. President	
Carleton	Gantt	Massey	Shanklin		
Chrisman	Hale	McCabe	Taylor of Jasper		33
Conway	Hardin	McKee			
Cottey		Norton			

ABSENT

Allen	Farris	Mortell	Ray	Rucker	
Broadhead	Gottschalk	Priest	Ross of Morgan	Spaunhorst	12
Brockmeyer	Johnson of Cole	Pulitzer			

ABSENT WITH LEAVE

Edwards of St. Louis	Dryden	Hammond	3

Mr. Crews offered the following amendment to Section six:

Amend by inserting after the word "shall" in the first line the words, "in the manner hereinafter provided."

456] which was read.

Under suspension of the rules, Mr. Gantt gave formal notice of the death of General Francis P. Blair and moved that a committee of five be appointed by the Chair to draft appropriate resolutions of respect to the memory of the de-

ceased, and suggested that the Hon. James S. Rollins, an intimate friend of the deceased, be requested to act as chairman of the committee.

The motion was then put and unanimously adopted that Mr. Rollins be appointed chairman.

The Chair announced the following Committee on Resolutions: James S. Rollins, T. T. Gantt, Albert Todd, H. C. Brockmeyer, Waldo P. Johnson.

Hon. Jas. S. Rollins, chairman, reported the following preamble and resolutions:

The representatives of the people of the State of Missouri now assembled in Convention in the State capitol, have heard with profound sorrow, the announcement of the death of General Francis P. Blair at his residence in the city of St. Louis on the evening of the 8th inst. and, desiring in some suitable manner to testify their respect for his private and public worth and to express their sense of the great loss which the people of the State of Missouri, and of the entire country have sustained in the death of this eminent citizen and patriot, have unanimously adopted the following resolutions:

First. That in his death, the State of Missouri has lost one of her most useful and eminent citizens, distinguished alike for his private virtues, his great services as an able statesman, and his brilliant record as a soldier and patriot.

Second. That the deceased was strongly marked by the possession of the high qualities which adorn human character, truth, honesty, sincerity, courage and magnanimity, which justly gave him a firm hold upon the affections and confidence of his fellow countrymen.

457] *Third.* That the dark shadow which the unwelcome messenger, Death, has thrown around the domestic circle, has awakened our keenest sympathies, and we tender to his venerable parents, his bereaved widow and children and his numerous friends our sincere condolence, for the irreparable loss which they have sustained.

Fourth. That the President of this Convention cause a copy of these resolutions to be forwarded to the family of the deceased, and with an expression of our sympathies as therein set forth.

Fifth. That these resolutions be spread upon the journal of this Convention, signed by the President and Secretary, and that the public press of the State be requested to publish the same.

Sixth. That in respect to the memory of our departed friend this Convention to now adjourn until tomorrow morning at 8 o'clock.

N. W. Watkins, *Vice-President.*

G. N. Nolan, *Secretary.*

which was read and unanimously adopted.

The Chair then declared the Convention adjourned until tomorrow morning at 8 o'clock a. m.

SATURDAY, JULY 10, 1875

MORNING SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Prayer by the Rev. A. H. Parker.

On motion of Mr. Carleton, the Convention took a recess for ten minutes.

The time of recess having expired the Vice-President called the Convention to order.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the amendment offered by Mr. Crews to Section six of the report of the Committee on Education, pending at adjournment.

The question being on the adoption of the amendment, it was rejected.

458] On motion of Mr. Lackland leave of absence was granted Mr. McKee.

On motion of Mr. Mudd leave of absence was granted Mr. Spaunhorst.

Mr. McAfee offered the following amendment to Section six:

> Amend by inserting in the first line between the words "shall" and "maintain," these words, "as soon, and whenever the public school fund will permit, and as the actual necessity for the same may require, aid and."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Black	Edwards	Lay	Ray	Shackelford
Boone	of Iron	Mabrey	Rippey	Taylor
Chrisman	Eitzen	Massey	Roberts	of Jasper
Conway	Fyan	Maxey	Ross	Wagner
Crews	Halliburton	McAfee	of Morgan	Wallace
Crockett	Hardin	McKillop	Ross	Watkins
Davis	Johnston	Norton	of Polk	Mr. President
	of Nodaway			31

NOES

Allen	Cottey	Hale	Mortell	Rucker	
Alexander	Dryden	Lackland	Mudd	Shanklin	
Bradfield	Dysart	Letcher	Nickerson	Shields	
Carleton	Gantt	McCabe	Pipkin	Switzler	
				Todd	21

ABSENT

Adams	Farris	Hyer	Priest	Taylor	
Broadhead	Gottschalk	Johnson	Pulitzer	of St. Louis	
Brockmeyer	Holliday	of Cole	Rider		12

ABSENT WITH LEAVE

Edwards of St. Louis	Hammond	McKee	Spaunhorst	4

The question recurring on the adoption of the amendment offered by Mr. Maxey to the substitute offered by Mr. Davis on yesterday, the amendment was rejected.

The question then recurring on the adoption of the substitute offered by Mr. Davis, it was rejected.

Mr. Cottey offered the following substitute for Section six as amended:

The General Assembly shall maintain the State University with its branch at Rolla, now established. The government of the University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, with the advice and consent of the Senate.

which was read and rejected.

Mr. Taylor of St. Louis offered the following amendment to Section six:

Amend by inserting after the word "in" in the second line the following words, "The State Board of Education and in."

459] which was read and rejected.

Mr. Eitzen moved the previous question, which was ordered.

The question recurring on the adoption of Section six as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Adams	Edwards	Lackland	Norton	Shackelford
Alexander	of Iron	Lay	Pipkin	Shanklin
Black	Eitzen	Letcher	Ray	Shields
Brockmeyer	Farris	Massey	Rider	Switzler
Chrisman	Gantt	Maxey	Rippey	Taylor
Conway	Hale	McAfee	Roberts	of Jasper
Crews	Halliburton	McCabe	Ross	Taylor
Crockett	Hardin	McKillop	of Morgan	of St. Louis
Davis	Hyer	Mortell	Ross	Todd
Dryden	Johnston	Mudd	of Polk	Wallace
Dysart	of Nodaway	Nickerson	Rucker	48

NOES

Allen	Bradfield	Cottey	Mabrey	Watkins
Boone	Carleton	Fyan	Wagner	Mr. President
				10

ABSENT

Broadhead	Holliday	Johnson	Priest	
Gottschalk		of Cole	Pulitzer	6

ABSENT WITH LEAVE

Edwards	Hammond	McKee	Spaunhorst	4
of St. Louis				

Section seven was read.

Mr. Alexander offered the following amendment to Section seven:

Amend by inserting the word "State" between the word "any" in the third line and the word "fund" in the fourth line and by inserting the words "the State or" between the words "by" and "the" in the thirteenth line.

which was read and adopted.

Mr. Crews offered the following amendment to Section seven:

Amend by inserting the word "hereafter" after the word "fines" in the eighth line.

which was read and adopted.

Mr. Mudd offered the following amendment to Section seven:

Amend by striking out all between the word "persons" in the sixth line and the word "also" in the ninth line.

which was read and adopted.

Mr. Taylor of St. Louis offered the following amendment to Section seven:

Amend by striking out the words, "from unclaimed dividends distribute shares of the estates of deceased persons," in the fifth and sixth lines.

which was read and rejected.

Mr. Cottey offered the following amendment to Section seven:

Amend by striking out the words, "from sales of estrays," in the fifth line.

460] which was read and adopted.

Mr. Brockmeyer rose to a question of privilege and stated as follows:

Mr. President:

My attention has been called to the following item of news in the *Globe-Democrat* of July 9, 1875: "The morning was consumed in consideration of Switzler's report on education. Mr. Brockmeyer in the course of his remarks hoped to see the present system obliterated." This remark so far as it refers to myself is untrue.

Mr. Maxey offered the following amendment to Section seven:

Amend by inserting between the words "University" and "in" in the seventeenth line the following: "and its present departments as now established."

which was read and rejected.

Mr. Mudd offered the following amendment to Section seven:

Amend by striking out the word "necessary" in the sixteenth line and insert the following words: "by law set apart for that purpose."

which was read and adopted.

Mr. Maxey offered the following amendment to Section seven:

Amend by striking out the words, "in this article provided for," in the seventeenth line and insert the following: "and its departments as now established."

which was read and rejected.

On motion of Mr. Adams leave of absence was granted Mr. Gantt.

On motion of Mr. Norton leave of absence was granted Mr. Brockmeyer.

On motion of Mr. Allen leave of absence was granted Mr. Mudd.

On motion of Mr. Hardin leave of absence was granted the sergeant-at-arms on account of sickness in his family.

Mr. Massey offered the following amendment to Section seven:

Amend by inserting in the fourth line between the words "of" and "Education" the words, "public school," and also strike out of the seventeenth line the words, "and the State University."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

461] Boone	Johnston	McKillop	Ross	Watkins
Crews	of Nodaway	Roberts	of Polk	Mr. President
Fyan	Mabrey	Ross	Wagner	14
Halliburton	Massey	of Morgan		

NOES

Adams	Crockett	Hyer	Pipkin	Taylor
Allen	Davis	Lackland	Ray	of Jasper
Alexander	Dryden	Lay	Rider	Taylor
Black	Dysart	Letcher	Rippey	of St. Louis
Bradfield	Edwards	Maxey	Rucker	Todd
Carleton	of Iron	McAfee	Shackelford	Wallace
Chrisman	Farris	McCabe	Shanklin	38
Conway	Hale	Nickerson	Switzler	
Cottey	Hardin	Norton		

ABSENT

Broadhead	Gottschalk	Johnson	Mortell	Pulitzer
Eitzen	Holiday	of Cole	Priest	Shields 9

ABSENT WITH LEAVE

Brockmeyer	Edwards	Gantt	McKee	Spaunhorst
	of St. Louis	Hammond	Mudd	7

The question recurring on the adoption of Section seven as amended, it was adopted.

On motion of Mr. Davis the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Davis offered the following as an additional section to the report of the Committee on Education:

All moneys, stocks, bonds, lands and other property belonging to a county school fund, also the net proceeds from the sales of estrays; also the clear proceeds of all penalties and forfeitures and all fines collected in the several counties for any breach of the penal or military laws of the State, and all money which shall be paid by persons as an equivalent for exemption from military duty shall belong to and be securely invested and sacredly preserved in the several counties, as a county public school fund, the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

which was read and adopted.

Section eight was read.

Mr. Pipkin offered the following amendment to Section eight:

Amend by adding the following: "*Provided*, that no county shall receive out of the State revenue fund more money than such county 462] paid into the treasury for the year in which such revenue was raised."

which was read.

Mr. Norton moved that Section eight and pending amendment be laid over until the report of the Committee on Revenue and Taxation is disposed of, which was agreed to.

Section nine was read.

Mr. Rider offered the following amendment to Section nine:

Amend by inserting the words "of the State" after the word "fund" in the first line.

which was read and adopted.

Mr. Boone offered the following amendment to Section nine:

Amend by striking out the words, "or of the United States," in the fifth line.

which was read and rejected.

Section nine as amended was then adopted.

Section ten was read and adopted.

Section eleven was read.

Mr. Alexander moved to lay Section eleven on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES

Alexander	Dysart	Hyer	Rider	Taylor
Bradfield	Edwards	Mabrey	Rippey	of St. Louis
Conway	of Iron	Maxey	Roberts	Wallace
Cottey	Farris	McKillop	Ross	Watkins
Crockett	Fyan	Norton	of Polk	Mr. President
Davis	Halliburton	Ray		25

NOES

Adams	Chrisman	Johnston	McAfee	Shanklin
Allen	Dryden	of Nodaway	McCabe	Switzler
Black	Hale	Lackland	Nickerson	Taylor
Boone	Holliday	Letcher	Pipkin	of Jasper
Carleton		Massey	Shackelford	Todd
				Wagner 23

ABSENT

Broadhead	Gottschalk	Johnson	Mortell	Ross
Crews	Hardin	of Cole	Priest	of Morgan
Eitzen		Lay	Pulitzer	Rucker
				Shields 13

ABSENT WITH LEAVE

Brockmeyer	Edwards	Gantt	McKee	Spaunhorst
	of St. Louis	Hammond	Mudd	7

Section twelve was read.

On motion of Mr. Halliburton Section twelve was laid over informally.

Section thirteen was read.

Mr. Black moved that Section thirteen be laid on the table, which was agreed to.

463] Section fourteen was read.

Mr. Shackelford offered the following amendment to Section fourteen:

Amend by striking out all after the word "whatever" in the sixth line.

which was read and rejected.

Mr. Adams offered the following amendment to Section fourteen:

Amend by striking out the word "person" in the fifth line.

which was read and adopted.

Mr. Shackelford offered the following amendment to Section fourteen:

Amend by striking out the word "religion" wherever it appears and insert in lieu thereof the word "religious" and strike out the comma before the word "creed" wherever it appears.

which was read and adopted.

Section fourteen as amended was then adopted.

Mr. Maxey offered the following new section to the report of the Committee on Education:

The General Assembly may impose a poll tax of not more than one dollar on every able-bodied male inhabitant in this State between the ages of twenty-one and fifty years for school purposes. Said tax shall be paid into the county treasuries of the different counties in this State and be distributed to the school township in proportion to the number of children therein and applied to teachers wages.

which was read.

Mr. Norton offered the following amendment to the proposed new section.

Amend by adding thereto the following: "and the payment of such tax shall be a prerequisite to voting in all elections pertaining to the imposition of taxes for school purposes."

which was read and adopted.

Mr. Switzler offered the following amendment to the new section as amended:

Amend by adding, "or at any other election in this State."

which was read.

Mr. Shanklin moved to lay the amendments and new section on the table, which was not agreed to.

The question recurring on the adoption of the amendment, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

464] Black	Dryden	Edwards	Pipkin	Todd	
Bradfield	Dysart	of Iron	Switzler	Watkins	
Cottey		Lackland			11

NOES

Adams	Davis	Lay	Ray	Taylor	
Allen	Farris	Letcher	Rider	of Jasper	
Alexander	Fyan	Mabrey	Roberts	Taylor	
Boone	Hale	Massey	Ross	of St. Louis	
Carleton	Halliburton	Maxey	of Morgan	Wagner	
Chrisman	Holliday	McAfee	Ross	Wallace	
Conway	Hyer	McCabe	of Polk	Mr. President	
Crews	Johnston	McKillip	Shackelford		38
Crockett	of Nodaway	Norton	Shanklin		

ABSENT

Broadhead	Hardin	Mortell	Pulitzer	Shields	
Eitzen	Johnson	Nickerson	Rippey		
Gottschalk	of Cole	Priest	Rucker		12

ABSENT WITH LEAVE

Brockmeyer	Edwards	Gantt	McKee	Spaunhorst	
	of St. Louis	Hammond	Mudd		7

Mr. Holliday offered the following amendment to the new section:

Amend by striking out the word "able-bodied."

which was read and adopted.

Mr. Lackland offered the following amendment to the new section:

Amend by striking out the word "may" and insert the word "shall" in lieu thereof.

which was read and adopted.

Mr. Switzler offered the following amendment to the new section:

Amend by striking out the words, "teachers' wages," and insert the words, "educational purposes."

which was read and adopted.

Mr. Fyan offered the following amendment to the new section:

Amend by striking out the words, "county treasuries", and insert in lieu thereof the words, "State treasury."

which was read and rejected.

Mr. Cottey offered the following amendment to the new section:

Amend by striking out all after the word "distributed" and insert these words: "one-half of the amount of said tax to the free public schools, two-tenths to the State University and the remainder to the State normal schools.

which was read and rejected.

Mr. Adams offered the following amendment to the new section:

Amend by striking out the word "between" after the word "State" and insert the word "over" and strike out the word "ages" and insert
465] "age" and strike out the words "and fifty" after the word "twenty-one."

which was read and adopted.

Mr. Boone offered the following amendment to the new section:

Amend by striking out the word "more" and insert the word "less" in lieu thereof.

which was read and adopted.

Mr. Shackelford offered the following amendment to the new section:

Amend by striking out the words, "not less than," in the second line.

which was read and adopted.

The question recurring on the adoption of the proposed section as amended, and the ayes and noes being demanded by five members, the proposed new section was rejected by the following vote:

AYES

Boone	Dryden	Letcher	Rippey	Taylor
Bradfield	Holliday	Massey	Ross	of Jasper
Carleton	Hyer	Maxey	of Morgan	Todd
Chrisman	Johnston	Norton	Shackelford	Watkins
Conway	of Nodaway	Pipkin	Switzler	
Crews	Lackland	Rider		24

NOES

Adams	Davis	Hale	McKillop	Shanklin
Allen	Dysart	Halliburton	Ray	Taylor
Alexander	Edwards	Lay	Roberts	of St. Louis
Black	of Iron	Mabrey	Ross	Wagner
Cottey	Farris	McAfee	of Polk	Wallace
Crockett	Fyan	McCabe	Rucker	Mr. President

27

ABSENT

Broadhead	Gottschalk	Johnson	Nickerson	Pulitzer	
Eitzen	Hardin	of Cole	Priest	Shields	10
		Mortell			

ABSENT WITH LEAVE

Brockmeyer	Edwards	Gantt	Hammond	Mudd	
	of St. Louis		McKee	Spaunhorst	7

Mr. Adams offered the following resolution:

Whereas, This Convention has determined that members of the General Assembly except at revising sessions shall receive full pay for seventy days only, and after that time one dollar per day for the remainder of the session; and

Whereas, It was contemplated by the General Assembly, that the 466] work of this Convention ought to be completed in seventy days;

Therefore, Resolved, that it is the sense of this Convention that the members thereof ought not to receive full pay for a longer time than members of the General Assembly, and it is therefore resolved that after seventy days from the day this Convention convened, the members shall receive only one dollar per day for the remainder of the session.

which was read.

Mr. Lackland moved to postpone the further consideration of the resolution until Tuesday, July 13, 1875, which was not agreed to.

Mr. Boone moved to lay the resolution on the table.

The ayes and noes being demanded by five members, the motion to lay the resolution on the table was agreed to by the following vote:

AYES

Boone	Fyan	Maxey	Rippey	Switzler
Bradfield	Halliburton	McAfee	Ross	Taylor
Carleton	Johnston	McCabe	of Morgan	of St. Louis
Conway	of Nodaway	McKillop	Ross	Todd
Crockett	Lackland	Pipkin	of Polk	Wallace
Edwards	Lay	Ray	Rucker	Watkins
of Iron	Mabrey	Rider	Shackelford	Mr. President

30

NOES

Adams	Chrisman	Dysart	Letcher	Shanklin	
Allen	Cottey	Farris	Massey	Taylor of Jasper	
Alexander	Crews	Hale	Norton	Wagner	19
Black	Dryden	Hyer	Roberts		

ABSENT

Broadhead	Gottschalk	Johnson of Cole	Nickerson	Shields	
Davis	Hardin	Mortell	Priest		
Eitzen	Holliday		Pulitzer		12

ABSENT WITH LEAVE

Brockmeyer	Edwards of St. Louis	Gantt	McKee	Spaunhorst	
		Hammond	Mudd		7

On motion of Mr. Maxey the Convention adjourned until Monday, 8 o'clock a. m.

MONDAY, JULY 12, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

467] The journal of Saturday was read and approved.

Mr. Wallace presented a bill introduced into the twenty-eighth General Assembly and printed for the use of the Constitutional Convention in relation to the collection and distribution of the revenues derived from the taxation of railroads and railroad property, which was read and on motion referred to the Committee on Railroad Taxation.

On motion of Mr. Norton the Convention took up the report of the Committee on Revenue and Taxation and proceeded to consider the same section by section.

Section one was read and adopted.

Section two was read.

Mr. Fyan offered the following amendment to Section two:

Amend by striking out all after the word "by" in the second line and insert the words, "act of the General Assembly."

which was read and adopted.

Section two as amended was then adopted.

Section three was read.

Mr. Hale moved that Sections three and four be laid over informally, which was not agreed to.

Mr. Hale offered the following amendment to Section three:

Amend by striking out in the second line the following words: "the same class of subjects," and insert in lieu thereof the words, "all property according to value," and insert after the word "tax" in the third line the following words: "except as hereinafter provided."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Crockett	Johnson	Lackland	Shanklin
Black	Dryden	of Cole	McCabe	Taylor
Chrisman	Hale	Johnston	Rider	of St. Louis
Cottey	Hardin	of Nodaway	Rucker	16

NOES

Adams	Edwards	Hyer	Pipkin	Switzler
Alexander	of Iron	Lay	Ray	Taylor
Boone	Edwards	Letcher	Rippey	of Jasper
Bradfield	of St. Louis	Mabrey	Roberts	Todd
Carleton	Farris	Massey	Ross	Wagner
Conway	Fyan	McAfee	of Morgan	Wallace
Crews	Halliburton	McKillop	Ross	Watkins
Davis	Hammond	Nickerson	of Polk	Mr. President
Dysart	Holliday	Norton	Shackelford	39

ABSENT

468]	Eitzen	Maxey	Priest	Shields
Broadhead	Gottschalk	Mortell	Pulitzer	8

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	Spaunhorst 5

On motion of Mr. Taylor of Jasper the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

The Convention resumed the consideration of Section three of the report of the Committee on Revenue and Taxation pending at adjournment.

Mr. Johnston of Nodaway offered the following amendment to Section three:

Amend by inserting after the word "subjects" in the second line the words, "and upon all property according to value."

which was read and adopted.

Mr. Hardin offered the following substitute for Section three as amended:

The General Assembly shall provide such revenue as may be needed by levying a tax by valuation so that every person and corporation shall pay a tax in proportion to the value of his, her or its property, such value to be ascertained by some person or persons to be elected or appointed in such manner as the General Assembly shall direct and not otherwise. But the General Assembly shall have power to tax auctioneers, brokers, bankers, peddlers, merchants, druggists, showmen, jugglers, inn-keepers, grocery-keepers, liquor dealers, brewers, distillers, toll bridges, ferries, insurance, telegraph and express interests or businesses, venders of patents, and persons or corporations using franchises, and privileges in such manner as it shall from time to time direct by general law uniform as to the class upon which it operates.

which was read and rejected.

Mr. Todd offered the following substitute for Section three as amended:

Taxes shall be levied and collected only for public purposes and uniformly upon the the same species of subjects as follows: Upon and from every and all vocations, professions, and businesses except those **469**] of farmers, wholesale manufacturers, and wholesale merchants, and upon and from the real and personal property within the State, in proportion to their value, except as hereinafter excepted.

which was read.

The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Lackland	McKillop	Todd		3

NOES

Adams	Dryden	Johnson	Norton	Switzler
Allen	Dysart	of Cole	Pipkin	Taylor
Alexander	Edwards	Johnston	Ray	of Jasper
Black	of St. Louis	of Nodaway	Rider	Taylor
Boone	Farris	Lay	Rippey	of St. Louis
Bradfield	Fyan	Letcher	Roberts	Wagner
Carleton	Hale	Mabrey	Ross	Wallace
Chrisman	Halliburton	Massey	of Morgan	Watkins
Conway	Hammond	Maxey	Ross	Mr. President
Cottey	Hardin	McAfee	of Polk	50
Crews	Holliday	McCabe	Shackelford	
Davis	Hyer	Nickerson	Shanklin	

ABSENT

Broadhead	Edwards	Mortell	Rucker	Spaunhorst
Crockett	of Iron	Priest	Shields	11
Eitzen	Gottschalk	Pulitzer		

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

Mr. McAfee offered the following substitute for Section three:

Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and when levied upon property shall be according to value, and all taxes shall be levied and collected by general laws.

which was read.

The ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Adams	Dysart	Holliday	Norton	Switzler
Alexander	Edwards	Hyer	Pipkin	Taylor
Black	of Iron	Letcher	Ray	of Jasper
Boone	Edwards	Mabrey	Rippey	Wagner
Bradfield	of St. Louis	Massey	Roberts	Wallace
Carleton	Farris	Maxey	Ross	Watkins
Conway	Fyan	McAfee	of Morgan	Mr. President
Crews	Halliburton	McKillop	Ross	
Davis	Hammond	Nickerson	of Polk	38

NOES

Allen	Hale	Johnston	McCabe	Shanklin	
Chrisman	Hardin	of Nodaway	Rider	Taylor	
Cottey	Johnson	Lackland	Rucker	of St. Louis	
Dryden	of Cole	Lay	Shackelford	Todd	17

ABSENT

470]	Crockett	Gottschalk	Priest	Shields	
Broadhead	Eitzen	Mortell	Pulitzer	Spaunhorst	9

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

Mr. Wallace offered the following substitute for the substitute offered by Mr. McAfee for Section three:

Section 3. Taxes shall be levied and collected for public purposes only. Real estate shall not be taxed for State purposes exceeding——— cents on the hundred dollars of its assessed valuation in any one year, nor for county, city, township or other local or municipal purposes exceeding———cents on the hundred dollars of its assessed valuation in any one year. All property subject to taxation shall be taxed in proportion to its value up to the extent of the limits of the rate of taxation on real estate herein provided for. And the Legislature may provide by law for raising all further needed revenue by levy and collection of taxes on such object and subjects of taxation and in such manner as may be prescribed by general law, which shall be uniform within the territorial limits of the authority levying the tax.

which was read and rejected.

Mr. Hardin offered the following substitute for the substitute offered by Mr. McAfee for Section three:

All property in this State of whatever nature and kind, except such as is by the provisions of this Constitution specially exempted, shall be subject to taxation in proportion to its value and taxes thereon shall be levied and collected for public purposes. Taxes shall be uniform upon the same class of subjects, and shall be levied and collected under general law.

which was read.

The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Allen	Cottey	Hardin	Johnston	McCabe
Black	Dryden	Johnson	of Nodaway	Rider
Chrisman	Hale	of Cole	Lay	

Rucker	Shanklin	Taylor	Todd	
Shackelford	Spaunhorst	of St. Louis		18

NOES

471] Adams	Dysart	Halliburton	McKillop	Ross
Alexander	Edwards	Hammond	Nickerson	of Polk
Boone	of Iron	Holliday	Norton	Switzler
Bradfield	Edwards	Hyer	Pipkin	Taylor
Carleton	of St. Louis	Letcher	Ray	of Jasper
Conway	Eitzen	Mabrey	Rippey	Wagner
Crews	Farris	Massey	Roberts	Wallace
Davis	Fyan	McAfee		Watkins
				Mr. President
				36

ABSENT

Broadhead	Lackland	Mortell	Pulitzer	Shields
Crockett	Maxey	Priest	Ross	10
Gottschalk			of Morgan	

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

The question recurring on the adoption of Section three as amended by the substitute, it was adopted.

Section four was read.

Mr. Norton offered the following amendment to Section four:

Amend by striking out the words, "have power to," in the first line and the word "also" in the sixth line.

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Boone	Edwards	Hyer	Norton	Ross
Bradfield	of St. Louis	Letcher	Pipkin	of Morgan
Conway	Farris	Mabrey	Ray	Ross
Crews	Fyan	Massey	Rider	of Polk
Crews	Halliburton	Maxey	Rippey	Switzler
Davis	Hammond	McAfee	Roberts	Wagner
Dysart	Holliday	McKillop		Watkins
				Mr. President
				31

NOES

Adams	Cottey	Hardin	McCabe	Taylor	
Allen	Dryden	Johnson	Nickerson	of Jasper	
Alexander	Edwards	of Cole	Rucker	Taylor	
Black	of Iron	Johnston	Shackelford	of St. Louis	
Broadhead	Eitzen	of Nodaway	Shanklin	Todd	
Carleton	Hale	Lackland	Spaunhorst	Wallace	27
Chrisman		Lay			

ABSENT

Crockett	Mortell	Priest	Pulitzer	Shields	6
Gottschalk					

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

Mr. Crews offered the following amendment to Section four:

Amend by inserting after the word "business" in the fourth line the words, "common carriers."

which was read and adopted.

Mr. Letcher offered the following amendment to Section four:

Amend by inserting the words "dramshop keepers" after the word "dealers" in the third line and by inserting after the word "taxation" in the eighth line the words, "at a uniform rate."

which was read and adopted.

Mr. Hale offered the following amendment to Section four:

472] Amend by striking out all after the word "and" in the sixth line down to and including the word "levying" in the seventh line and insert in lieu thereof the following: "shall have power to levy."

which was read and rejected.

Mr. Lay offered the following amendment to Section four:

Amend by inserting the word "lawyers" between the word "business" and the words "common carriers" in the fourth line.

which was read.

Mr. Spaunhorst offered the following amendment to the amendment:

Amend by adding, "officers, judges, doctors, photographers and editors."

which was read.

The ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Allen	Chrisman	Hardin	McCabe	Taylor
Alexander	Cottey	Johnson	Rucker	of St. Louis
Black	Dryden	of Cole	Shanklin	Todd
Broadhead	Hale	Lackland	Spaunhorst	17

NOES

Adams	Edwards	Lay	Pipkin	Shackelford
Bradfield	of St. Louis	Letcher	Ray	Switzler
Carleton	Eitzen	Mabrey	Rider	Taylor
Conway	Farris	Massey	Rippey	of Jasper
Crews	Fyan	Maxey	Roberts	Wagner
Dysart	Halliburton	McAfee	Ross	Wallace
Edwards	Hammond	McKillop	of Morgan	Watkins
of Iron	Holliday	Nickerson	Ross	Mr. President
	Hyer	Norton	of Polk	38

ABSENT

Boone	Davis	Johnston	Mortell	Pulitzer
Crockett	Gottschalk	of Nodaway	Priest	Shields 9

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

The question recurring on the adoption of the amendment offered by Mr. Lay, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Allen	Dryden	Hardin	McCabe	Shackelford
Alexander	Dysart	Holliday	McKillop	Shanklin
Black	Eitzen	Johnston	Nickerson	Taylor
Boone	Farris	of Nodaway	Ross	of Jasper
Broadhead	Fyan	Lackland	of Morgan	Todd
Chrisman	Hale	Lay	Ross	Wagner
Conway	Halliburton	Maxey	of Polk	Wallace
Cottey	Hammond	McAfee	Rucker	Mr. President

36

NOES

473] Adams	Edwards	Letcher	Ray	Switzler	
Bradfield	of St. Louis	Mabrey	Rider	Taylor	
Carleton	Hyer	Massey	Rippey	of St. Louis	
Crews	Johnson	Norton	Roberts	Watkins	
Edwards	of Cole	Pipkin	Spaunhorst		
of Iron					21

ABSENT

Crockett	Gottschalk	Priest	Shields	
Davis	Mortell	Pulitzer		7

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

Mr. McAfee offered the following amendment to Section four:

Amend by inserting after the word "tax" in the first line the words, "money, bonds, bills and notes," and by inserting in the eighth line the words, "and real estate."

which was read and adopted.

Mr. McCabe offered the following amendment to Section four:

Amend by adding after the word "taxation" in the eighth line the words, "and the question whether the Legislature shall exercise the power to provide for such further revenue, shall be a judicial question."

which was read.

Mr. Taylor of Jasper moved to lay the section and pending amendment on the table.

On motion of Mr. Conway the Convention adjourned until tomorrow 8 o'clock a. m.

TUESDAY, JULY 13, 1875

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

The Convention resumed the consideration of Section four of the report of the Committee on Revenue and Tax-

ation and the amendment offered by Mr. McCabe pending at adjournment.

The question being on the motion of Mr. Taylor of Jasper to lay the amendment and section on the table, and the ayes and noes being demanded by five members, it was adopted by the following vote:

AYES

Allen	Davis	Johnston	Rider	Taylor	
Alexander	Dryden	of Nodaway	Ross	of Jasper	
Black	Eitzen	Lackland	of Morgan	Taylor	
Broadhead	Hale	Maxey	Rucker	of St. Louis	
Chrisman	Hardin	McAfee	Shanklin	Todd	
Cottey	Johnson	McCabe	Spaunhorst	Wallace	
Crockett	of Cole	Nickerson			28

NOES

474] Adams	Edwards	Hammond	Norton	Switzler	
Boone	of St. Louis	Holliday	Pipkin	Wagner	
Bradfield	Farris	Hyer	Rippey	Watkins	
Carleton	Fyan	Letcher	Roberts	Mr. President	
Conway	Halliburton	Mabrey	Ross		25
Crews		McKillop	of Polk		

ABSENT

Edwards	Gottschalk	Massey	Pulitzer	Shackelford	
of Iron	Lay	Mortell	Ray	Shields	9

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

EXCUSED

Dysart	Priest	2

Mr. Letcher offered the following as a new section to the report of the Committee on Revenue and Taxation:

The General Assembly shall raise revenue by first taxing all objects and subjects liable to taxation, except property, by general laws uniform as to the several classes of such objects and subjects; and if there be not sufficient revenue from those sources, the General Assembly shall raise the deficiency from all property in this State subject to taxation, according to its assessed value.

which was read.

The ayes and noes being demanded by five members, the proposed new section was adopted by the following vote:

AYES

Adams	Crockett	Hyer	Nickerson	Ross	
Alexander	Dysart	Letcher	Norton	of Polk	
Boone	Farris	Mabrey	Pipkin	Switzler	
Bradfield	Fyan	Massey	Priest	Wagner	
Carleton	Halliburton	Maxey	Ray	Watkins	
Conway	Hammond	McAfee	Rippey	Mr. President	
Cottey	Holliday	McCabe	Roberts		35
Crews		McKillop			

NOES

Allen	Edwards	Johnson	Rider	Taylor	
Black	of Iron	of Cole	Ross	of Jasper	
Broadhead	Edwards	Johnston	of Morgan	Taylor	
Chrisman	of St. Louis	of Nodaway	Rucker	of St. Louis	
Davis	Eitzen	Lackland	Shanklin	Todd	
Dryden	Hale	Lay	Spaunhorst	Wallace	24
	Hardin				

ABSENT

Gottschalk	Mortell	Pulitzer	Shackelford	Shields	5

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

Mr. Chrisman offered the following new section to the report of the Committee on Revenue and Taxation:

Section —. All property subject to taxation shall be taxed in proportion to its value.

which was read.

Mr. Wallace offered the following amendment to the proposed new section:

475] *Provided*, that no real estate used for agricultural purposes shall be taxed, exceeding ten cents on the hundred dollars of its assessed valuation, for State purposes; nor exceeding twenty cents on the hundred dollars of its assessed valuation for county purposes.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Bradfield	Holliday	Pipkin	Wallace	
Farris	Norton	Rippey	Watkins	8

NOES

Adams	Dryden	Hardin	McAfee	Rucker
Allen	Dysart	Hyer	McCabe	Shanklin
Alexander	Edwards	Johnson	McKillop	Spaunhorst
Black	of Iron	of Cole	Nickerson	Switzler
Boone	Edwards	Johnston	Priest	Taylor
Broadhead	of St. Louis	of Nodaway	Rider	of Jasper
Carleton	Eitzen	Lackland	Roberts	Taylor
Chrisman	Fyan	Lay	Ross	of St. Louis
Conway	Hale	Letcher	of Morgan	Todd
Cottey	Halliburton	Mabrey	Ross	Wagner
Crockett	Hammond	Massey	of Polk	Mr. President
Davis				48

ABSENT

Crews	Maxey	Pulitzer	Shackelford	
Gottschalk	Mortell	Ray	Shields	8

ABSENT WITH LEAVE

Brockmeyer	Gantt	McKee	Mudd	4

The question recurring on the adoption of the new section offered by Mr. Chrisman, it was adopted.

Mr. Crews from the Committee on Executive and Ministerial Officers of County and Municipal Government submitted the following report:

Mr. President:

The Committee on Executive and Ministerial Officers of County and Municipal Government, having considered the matters referred to it, instructs me to report the article hereto annexed, as the result of its deliberations.

T. W. B. Crews, *Chairman.*

EXECUTIVE AND MINISTERIAL OFFICERS OF COUNTY AND MUNICIPAL GOVERNMENT

Section 1. There shall be elected in each county, by the qualified voters thereof the following county officers: clerk of the county court, clerk of the circuit court, who shall also be recorder of deeds, except that in counties containing fifteen thousand inhabitants, there shall be a separate recorder of deeds; sheriff, who shall also be collector, except 476] as otherwise provided by law; assessor, public administrator and coroner. They shall hold their offices respectively for the term of four

years, except the sheriff, assessor, collector, treasurer and coroner, whose respective terms of office shall be two years.

Section 2. One constable shall be elected in each municipal township, by the qualified voters thereof, whose term of office shall be two years. He shall be a conservator of the peace, and shall have such jurisdiction throughout the county as may be conferred by law.

Section 3. The General Assembly may provide for the election or appointment of such other county and township ministerial and executive officers as shall from time to time be necessary and proper; but no terms of office so provided shall exceed four years.

Section 4. Officers for towns and cities shall be selected or appointed in such manner as may be prescribed by law; but no term of office so provided shall exceed four years.

Section 5. No person shall be eligible to either of the offices mentioned or provided for in this article unless he shall be twenty-one years of age and a citizen of the United States, nor unless he shall have been a resident of the county two years next preceding his election, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken; and no sheriff shall be eligible more than four years in any six years.

Section 6. Clerks of courts, recorders, sheriffs, treasurers, assessors, surveyors, public administrators, coroners and constables, and such other officers as the General Assembly may from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as shall be prescribed by law.

Section 7. The officers mentioned in this article shall hold their offices for the terms respectively specified and until their successors are qualified, but any of such officers may be removed upon conviction of misbehavior in office, or neglect of official duty, or any infamous crime.

477] Section 8. No person shall continue to hold office after he shall have removed from the county, township or ward in which he was respectively elected or appointed.

Section 9. Vacancies in office under this article shall be filled until the next regular election, succeeding such vacancy in such manner as the General Assembly shall provide.

Section 10. The General Assembly shall by a law uniform in its operation provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

Section 11. The General Assembly may provide by general law for township organization under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine, and whenever any county shall adopt county organization so much of this Constitution as provides for the management of county affairs and the assessment and collection of the revenue by county officers in conflict with such general law for township organization may be dispensed with, and the business of said county and the local concerns of the several townships therein may be transacted in

such manner as may be prescribed by law, *provided* that the justices of the county court shall only be three in number as is prescribed in this Constitution. In any county that shall have adopted a township organization the question of continuing the same may be submitted to the vote of the electors of such county, at a general election in the manner that may be prescribed by law, and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in such county, and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in said county.

Mr. Ray from the Committee on Executive and Ministerial offices of County and Municipal Governments submitted the following views and amendments of the minority, to the majority report of said Committee:

478] The undersigned member of your Committee on Ministerial and Executive Officers of County and Municipal Government being unable to agree with the majority of said Committee begs leave to present the following minority report:

John Ray.

Section 1. The government of counties shall be uniform throughout the State and shall consist of the following officers: three justices of the county court who shall be elected every two years, except in counties having thirty thousand inhabitants or less, where the probate judge of each county shall be the presiding justice of the county court and shall hold his office for the term of four years; also a county clerk, clerk of the circuit court, who shall be *ex officio* recorder, prosecuting attorney, sheriff, collector, treasurer, surveyor, assessor, public administrator, commissioner of public schools, coroner, jailor, and such other officers as may become necessary; *provided*, that in all counties having a less population than ten thousand the offices of sheriff and collector may be combined, and in counties having more than ten thousand inhabitants the offices of clerk of the circuit court and recorder may be separate.

Section 2. All county officers shall hold their respective offices for the term of two years, except the probate judge, county and circuit clerks, together with the recorder, surveyor and public administrator, who shall hold their said offices for the term of four years.

Section 3. All county and municipal officers who collect, receive or disburse money in trust as such officers shall give bond for the faithful performance of their duty in at least twice the amount to be collected, received or disbursed, and the securities on said bonds shall be the owners, in fee simple, of unincumbered real estate, to twice the amount of the proposed bond.

Section 4. County and municipal officers shall have been two years a resident of such county or municipality before they are eligible to any office therein, if the said county or municipality shall have existed so

long, or if not of the district where it exists or from which it was formed.
479] Section 5. In all counties having a city therein containing over fifty thousand inhabitants, the city and county governments thereof may be consolidated.

Section 6. Towns and cities having a less population than fifty thousand inhabitants may be incorporated under a general law of the General Assembly of this State under such rules and regulations and ith such officers as may be deemed expedient, but after their incorporation such rules and regulations shall not be altered or abolished without the consent of a majority of the qualified voters of such towns and cities. Cities having a population of more than fifty thousand inhabitants shall be incorporated under the provisions of an organic law to be framed and adopted by themselves, after the same manner in which this Constitution is framed and adopted, and which shall be in strict accordance with this said Constitution and the laws of the State. And the said organic law shall provide for the election of a mayor, and a city council, and such other officers as may be deemed necessary and said city council shall consist of an upper and a lower house. The members of the said city council shall possess the same qualifications as the members of the corresponding branch of the General Assembly of this State, and the members of the lower house shall consist of at least twice the number as the aforesaid upper house.

Section 7. Said organic law shall be altered and amended in the same manner as is provided for the alteration, or amendment of this Constitution; but in no other manner.

Section 8. The members of the city council of all cities containing over fifty thousand inhabitants shall be elected by wards and districts.

Section 9. The pay of municipal officers shall not be increased or diminished during the term of office for which they were elected or appointed.

Section 10. No person shall be eligible to any county or municipal office who is not a citizen of the United States and a qualified voter of this State.

Section 11. Contested elections for all county and municipal of-
480] ficers shall be decided by the circuit courts of their respective counties or by the judges thereof.

which was read and on motion laid over informally and two hundred copies ordered printed.

Mr. Hale offered the following as a new section to the report of the Committee on Revenue and Taxation:

The General Assembly shall provide by law that bonds, bills and notes on solvent persons and corporations, which the holders thereof have failed and refused to give in to the assessor, as required by law, shall be non-collectible in the courts of this State.

which was read.

Mr. Lay offered the following amendment to the proposed new section:

Amend by adding the following: "until all taxes due thereon shall have been assessed and paid."

which was read.

Mr. Shanklin moved to refer the proposed new section and pending amendment to the Committee on Revenue and Taxation, which was agreed to.

Section five was read and on motion of Mr. Adams laid on the table.

Section six was read.

Mr. McAfee offered the following amendment to Section six:

Amend by striking out, "fifteen thousand square feet," in the fifth line and insert in lieu thereof, "two-thirds of an acre."

which was read.

Mr. Adams called for a division of the question.

The question being on the motion to strike out the words, "fifteen thousand square feet," the motion to strike out was agreed to.

Mr. Maxey moved to fill the blank in the fifth line with the words "one acre," which was read.

Mr. Hardin moved to fill the blank in the fifth line with the words "half an acre" which was read.

The question being on the amendment offered by Mr. Maxey, and it being the largest amount, it was adopted.

Mr. Taylor of Jasper offered the following substitute for Section six as amended:

481] The property of the State, counties and municipal corporations, both real and personal and such other property as may be used exclusively for religious worship, for schools, and colleges, for purposes purely charitable, for cemeteries and for agricultural and horticultural societies shall be exempt from taxation.

which was read.

Mr. Davis offered the following amendment to Section six:

Amend by striking out the words, "for cemeteries," and insert in

lieu thereof the words, "places of burial not used or held for private or corporate profit."

which was read and rejected.

Mr. Wallace offered the following amendment to Section six:

Amend by adding after the word "schools" in the eleventh line, "and other educational institutions."

which was read and rejected.

Mr. Lackland offered the following amendment to Section six:

Amend by striking out the word "and" where it first occurs in the third line and inserting the words, "or literary and scientific," between the words "horticultural" and "societies" in the third line.

which was read and rejected.

Mr. Conway offered the following amendment to Section six:

Amend by inserting after the word "schools" in the seventh line the words, "except private schools conducted or owned by principals or teachers or other individuals for gain or emolument."

which was read and rejected.

Mr. Farris offered the following amendment to Section six:

Amend by striking out all after the word "and" in the second line down to the word "cemeteries" in the third line.

which was read and adopted.

Mr. Holliday offered the following amendment to Section six:

Amend by prefixing the following words to Section six: "Real estate, owned and occupied by a resident of this State, exceeding one acre in quantity, which shall hereafter be at the date of any assessment, enclosed with a lawful fence and in actual cultivation either as gardens, plow lands, meadows or well set in tame grasses, shall not be subject to taxation for State purposes, at a greater rate than one-tenth of one per cent on its assessed value, nor shall the same be subject to taxation for county purposes at a greater rate than one-fifth of one per cent on its assessed value: *Provided*, the lands belonging to any such tract on which 482] are situated buildings and adjacent lands to the extent of one acre, shall not be included in estimating the quantity of such tract and provided the General Assembly may hereafter decrease the tax on such lands, when in their judgment it may be just and prudent to do so."

which was read and rejected.

Mr. Todd offered the following amendment to Section six:

Amend by striking out all after the word "taxation" in the third line.

which was read.

On motion of Mr. Conway the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Nickerson leave of absence was granted Mr. Shackelford.

The Convention resumed the consideration of the amendment offered by Mr. Todd to Section six pending at adjournment.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Boone	Holliday	Todd	Wagner	
Bradfield	Norton			6

NOES

Adams	Crockett	Johnson	McAfee	Spaunhorst
Allen	Edwards	of Cole	McCabe	Taylor
Alexander	of Iron	Johnston	McKillop	of Jasper
Black	Edwards	of Nodaway	Nickerson	Taylor
Broadhead	of St. Louis	Lackland	Pipkin	of St. Louis
Carleton	Fyan	Lay	Ray	Wallace
Chrisman	Hale	Letcher	Rippey	Watkins
Conway	Halliburton	Mabrey	Ross	Mr. President
Cottey	Hammond	Massey	of Polk	
Crews	Hyer	Maxey	Shanklin	41

ABSENT

Davis	Farris	Priest	Roberts	Rucker
Dryden	Gottschalk	Pulitzer	Ross	Shields
Dysart	Hardin	Rider	of Morgan	15
Eitzen	Mortell			

ABSENT WITH LEAVE

Brockmeyer	McKee	Shackelford	
Gantt	Mudd	Switzler	6

Mr. Shanklin offered the following amendment to Section six:

Amend by inserting after the word "charitable" in the eighth line the following words: "also such property, real or personal, as may be used exclusively for agricultural or horticultural societies."

which was read and adopted.

Mr. Todd offered the following amendment to Section six:

483] Amend by adding to the section these words, "*And provided*, that every church building, with its furnishings shall be taxed for so much of its cost as shall exceed fifty thousand dollars, and the ground used therewith for so much as its assessed value shall from time to time exceed fifty thousand dollars; *provided*, that the property of the schools and of the charitable uses, shall not be so limited, or conditioned that it can not at any time be sold or its proceeds converted into the general uses of society."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Taylor of Jasper, it was rejected.

The question then recurring on the adoption of Section six as amended, it was adopted.

Section seven was read.

Mr. Dysart offered the following amendment to Section seven:

Amend by adding thereto the following: "but the General Assembly shall have the power to release from taxation all real estate, belonging to any homestead actually employed and used for agricultural and horticultural purposes."

which was read and rejected.

The question then recurring on the adoption of Section seven, it was adopted.

Section eight was read and on motion of Mr. Letcher laid over informally.

Section nine was read and adopted.

Section ten was read and adopted.

Section eleven was read.

Mr. Wagner offered the following amendment to Section eleven:

Amend by striking out all after the word "purposes" in the fourth line.

which was read and adopted.

Section eleven as amended was then adopted.

Mr. Alexander in the chair.

Section twelve was read and on motion of Mr. McAfee laid on the table.

Section thirteen was read.

484] Mr. Letcher offered the following amendment to Section thirteen:

Amend by inserting in the twenty-fifth line after the word "description" the words, "whether general or special."

which was read and adopted.

Mr. Shanklin offered the following amendment to Section thirteen:

Amend by striking out all after the word "purposes" in the second line down to and including the word "valuation" in the ninth line.

which was read and rejected.

Mr. Hale offered the following amendment to section thirteen:

Amend by striking out all after the word "purposes" in the second line and insert the following in lieu thereof: "and the General Assembly shall by law limit the amount and rate of taxes to be levied for such purposes."

which was read.

Mr. Fyan called for a division of the question.

The question being on the motion to strike out all after the word "purposes" in the second line, and the ayes and noes being demanded by five members, the motion to strike out was rejected by the following vote:

AYES

Broadhead	Hale	Johnston	Rider	Taylor	
Chrisman	Hardin	of Nodaway	Rucker	of Jasper	
Cottey	Johnson	Lackland	Shanklin		14
Dryden	of Cole	Lay			

NOES

Adams	Dysart	Hammond	McKillop	Ross
Allen	Edwards	Holliday	Mudd	of Morgan
Alexander	of Iron	Hyer	Nickerson	Switzler
Boone	Edwards	Letcher	Norton	Taylor
Bradfield	of St. Louis	Mabrey	Pipkin	of St. Louis
Carleton	Eitzen	Massey	Priest	Wagner
Conway	Farris	Maxey	Ray	Wallace
Crews	Fyan	McAfee	Rippey	Watkins
Crockett	Halliburton	McCabe	Roberts	Mr. President

41

ABSENT

Black	Davis	Mortell	Ross	Spaunhorst	
Brockmeyer	Gottschalk	Pulitzer	of Polk	Todd	10
			Shields		

ABSENT WITH LEAVE

Gantt	McKee	Shackelford	3

On motion of Mr. Letcher the Convention adjourned until tomorrow, 8 o'clock a. m.

485] WEDNESDAY, JULY 14, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

On motion of Mr. Mudd leave of absence was granted Mr. Edwards of St. Louis on account of sickness.

The Convention resumed the consideration of Section thirteen of the report of the Committee on Revenue and Taxation pending at adjournment.

Mr. Fyan moved that Section thirteen be considered by separate subdivisions, the first subdivision referring to counties ending with the word "valuation" in the ninth line, which was agreed to.

The second subdivision of Section thirteen ending with the word "valuation" in the sixteenth line was read.

Mr. Johnston of Nodaway offered the following amendment to the second subdivision:

Amend the second subdivision by striking out the words "or less" in the fifteenth line and insert in lieu thereof the following: "and more than one thousand," and by adding after the word "valuation" in the sixteenth line the following: "and towns having one thousand or less inhabitants, said rate shall not exceed twenty-five cents on the hundred dollars valuation."

which was read and rejected.

Mr. Chrisman offered the following amendment to the second subdivision of Section thirteen:

Amend by striking out the words "four thousand" in lines thirteen and fifteeen and insert in lieu thereof the words "three thousand."

which was read and adopted.

The third subdivision of Section thirteen commencing with the word "and" in the sixteenth line was read.

Mr. Cottey offered the following amendment to the third subdivision of Section thirteen:

Amend by striking out all after the word "valuation" in the sixteenth line down to and including the word "valuation" in the twentieth line.

which was read.

Mr. McAfee offered the following amendment to that part of the section moved to be stricken out:

486] Amend by striking out all after the word "districts" in the sixteenth line down to and including the word "purposes" in the nineteenth line and by striking out the word "twenty-five" in the nineteenth line and insert the word "sixty."

which was read.

Mr. Switzler rose to a point of order and stated that inasmuch as the amendment offered by the member from Greene, Mr. McAfee, was not an amendment to the amendment offered by the member from Knox, Mr. Cottey, but an amendment to the section, it was not in order. The Chair decided the point of order not well taken, as this was an amendment to the paragraph moved to be stricken out, and that the friends of a paragraph moved to be stricken out, have the right to perfect the paragraph by amendment before the motion to strike out is put.

Mr. Halliburton offered the following amendment to the amendment offered by Mr. McAfee:

Amend the amendment by striking out the word "sixty" and insert in lieu thereof the word "fifty."

which was read and adopted.

The question recurring on the adoption of the amendment offered by Mr. McAfee, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Chrisman	Farris	Johnston	Ray	
Alexander	Conway	Johnson	of Nodaway	Shanklin	
Black	Edwards	of Cole	Mabrey	Todd	
Brockmeyer	of Iron		McAfee		15

NOES

Allen	Dysart	Letcher	Rippey	Taylor	
Boone	Eitzen	Massey	Roberts	of St. Louis	
Bradfield	Fyan	Maxey	Ross	Wagner	
Broadhead	Hale	McCabe	of Polk	Wallace	
Cottey	Halliburton	McKillop	Rucker	Watkins	
Crews	Hammond	Nickerson	Spaunhorst	Mr. President	
Crockett	Hardin	Norton	Switzler		39
Davis	Hyer	Pipkin	Taylor		
Dryden	Lay	Priest	of Jasper		

ABSENT

Carleton	Holliday	Mortell	Pulitzer	Ross	
Gottschalk	Lackland	Mudd	Rider	of Morgan	
				Shields	10

ABSENT WITH LEAVE

Gantt	McKee	Shackelford	3

SICK

Edwards of St. Louis	1

Mr. Fyan offered the following amendment to the third subdivision of Section thirteen:

Amend by striking out all after the word "districts" in the sixteenth line down to and including the word "purposes" in the nineteenth line, and by striking out the word "twenty-five" in the nineteenth line, and 487] inserting the word "forty" in lieu thereof.

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Fyan	Mabrey	Priest	Taylor
Black	Halliburton	Maxey	Rider	of Jasper
Boone	Hammond	McAfee	Rippey	Taylor
Chrisman	Hardin	McCabe	Roberts	of St. Louis
Conway	Hyer	Nickerson	Ross	Todd
Crockett	Lackland	Norton	of Morgan	Wagner
Davis	Letcher	Pipkin	Spaunhorst	Mr. President
Dryden				33

NOES

Allen	Crews	Eitzen	Lay	Shanklin
Alexander	Dysart	Farris	Massey	Switzler
Bradfield	Edwards	Hale	Mudd	Wallace
Broadhead	of Iron	Johnson	Ray	Watkins
Brockmeyer	Edwards	of Cole	Ross	
Carleton	of St. Louis	Johnston	of Polk	
Cottey		of Nodaway	Rucker	26

ABSENT

Gottschalk	McKillop	Pulitzer	
Holliday	Mortell	Shields	6

ABSENT WITH LEAVE

Gantt	McKee	Shackelford	3

Mr. Switzler offered the following amendment to the third subdivision of Section thirteen:

Amend by inserting after the word "valuation" in the twentieth line the following: "*Provided*, the aforesaid annual rates for school purposes may be increased in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are taxpayers, voting at an election held to decide the question, vote for said increase."

which was read.

Mr. Cottey offered the following amendment to the amendment:

Amend by striking out the words, "who are taxpayers."

which was read.

On motion of Mr. Hardin the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Cottey to Section thirteen:

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

488] Alexander	Edwards	Hale	Johnston	Rucker	
Cottey	of Iron	Johnson	of Nodaway	Shanklin	
Davis	Farris	of Cole	Ray		11

NOES

Adams	Crockett	Mabrey	Priest	Taylor	
Allen	Eitzen	Massey	Rippey	of St. Louis	
Black	Fyan	Maxey	Roberts	Wagner	
Boone	Halliburton	McAfee	Ross	Wallace	
Bradfield	Hammond	McCabe	of Morgan	Watkins	
Broadhead	Hardin	Mudd	Spaunhorst	Mr. President	
Carleton	Holliday	Nickerson	Switzler		40
Chrisman	Hyer	Norton	Taylor		
Conway	Letcher	Pipkin	of Jasper		
Crews					

ABSENT

Brockmeyer	Gottschalk	McKillop	Rider	Shields	
Dryden	Lackland	Mortell	Ross	Todd	
Dysart	Lay	Pulitzer	of Polk		13

ABSENT WITH LEAVE

Gantt	McKee	Shackelford	3

SICK

Edwards of St. Louis	1

The question recurring on the adoption of the amendment offered by Mr. Cottey to the amendment offered by Mr. Switzler to Section thirteen, and the ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Alexander	Edwards	Halliburton	Lay	Ross
Brockmeyer	of Iron	Holliday	Mabrey	of Morgan
Cottey	Eitzen	Johnson	McAfee	Rucker
Davis	Hale	of Cole	Ray	Mr. President
				17

NOES

Adams	Conway	Johnston	Pipkin	Taylor	
Allen	Crockett	of Nodaway	Priest	of St. Louis	
Black	Farris	Letcher	Rippey	Todd	
Boone	Fyan	Massey	Shanklin	Wagner	
Bradfield	Hammond	McCabe	Spaunhorst	Wallace	
Broadhead	Hardin	Mudd	Switzler	Watkins	35
Carleton	Hyer	Nickerson	Taylor		
Chrisman		Norton	of Jasper		

ABSENT

Dryden	Lackland	Mortell	Roberts	Shields	
Dysart	Maxey	Pulitzer	Ross		
Gottschalk	McKillop	Rider	of Polk		12

ABSENT WITH LEAVE

Gantt	McKee	Shackelford	3

SICK

Edwards	
of St. Louis	1

On motion of Mr. Johnston of Nodaway leave of absence was granted Mr. McKillop.

489] Mr. Fitzen offered the following amendment to the amendment offered by Mr. Switzler:

Amend by striking out the words "one dollar" and insert in lieu thereof the words "eighty cents" and striking out the words "sixty-five cents" and insert in lieu thereof the words "fifty cents."

which was read.

The ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Black	Carleton	Fyan	Letcher	McCabe
Bradfield	Crews	Hammond	Mabrey	Pipkin
Broadhead	Eitzen	Hyer	Massey	Priest

Rippey	Ross	Taylor	Wagner	Watkins	23
Ross of Morgan	Spaunhorst	of St. Louis	Wallace		

NOES

Adams	Dryden	Johnson	Mudd	Shanklin	
Allen	Edwards	of Cole	Nickerson	Switzler	
Alexander	of Iron	Johnston	Norton	Taylor	
Boone	Farris	of Nodaway	Ray	of Jasper	
Chrisman	Hale	Lackland	Rider	Todd	
Conway	Halliburton	Lay	Roberts	Mr. President	
Cottey	Hardin	McAfee	Rucker		
Davis	Holliday	Mortell			33

ABSENT

Brockmeyer	Dysart	Maxey	Shields	
Crockett	Gottschalk	Pulitzer		7

ABSENT WITH LEAVE

Gantt	McKee	McKillop	Shackelford	4

SICK

Edwards of St. Louis	1

Mr. McCabe offered the following amendment to the amendment offered by Mr. Switzler:

Amend by striking out the word "majority" and insert in lieu thereof the words, "two-thirds."

which was read.

The ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Bradfield	Edwards	McCabe	Ross	Taylor	
Broadhead	of St. Louis	Pipkin	of Morgan	of St. Louis	
Carleton	Eitzen	Priest	Spaunhorst	Wallace	
Crews	Massey			Watkins	15

NOES

490] Adams	Boone	Davis	Edwards	Hale
Allen	Chrisman	Dryden	of Iron	Halliburton
Alexander	Conway	Dysart	Farris	Hammond
Black	Cottey		Fyan	Hardin

Holliday	Lackland	Mudd	Roberts	Taylor
Hyer	Lay	Nickerson	Ross	of Jasper
Johnson	Letcher	Norton	of Polk	Todd
of Cole	Mabrey	Ray	Rucker	Wagner
Johnston	McAfee	Rider	Shanklin	Mr. President
of Nodaway	Mortell	Rippey	Switzler	43

ABSENT

Brockmeyer	Gottschalk	Pulitzer	
Crockett	Maxey	Shields	6

ABSENT WITH LEAVE

Gantt	McKee	McKillop	Shackelford	4

Mr. Wagner offered the following amendment to the amendment:

Amend by striking out the words, "majority of taxpayers," and insert in lieu thereof the words, "two-thirds of the voters."

which was read.

The ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Black	Edwards	Hammond	Norton	Spaunhorst
Bradfield	of Iron	Hyer	Pipkin	Taylor
Broadhead	Edwards	Letcher	Priest	of St. Louis
Carleton	of St. Louis	Mabrey	Rippey	Wagner
Chrisman	Eitzen	Massey	Roberts	Watkins
Crews	Fyan	Maxey	Ross	
Dysart	Gantt	McCabe	of Morgan	Mr. President
				30

NOES

Adams	Davis	Johnson	Mortell	Rucker	
Allen	Dryden	of Cole	Mudd	Shanklin	
Alexander	Farris	Johnston	Nickerson	Switzler	
Boone	Hale	of Nodaway	Ray	Taylor	
Brockmeyer	Halliburton	Lackland	Rider	of Jasper	
Conway	Hardin	Lay	Ross	Todd	
Cottey	Holliday	McAfee	of Polk	Wallace	31

ABSENT

Crockett	Gottschalk	Pulitzer	Shields	4

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

Mr. Pipkin offered the following amendment to the amendment:

Amend by striking out the following words: "voting at an election held to decide the question."

which was read and rejected.

491] Mr. Spaunhorst offered the following amendment to the amendment:

Amend by striking out all after the word "provided" and inserting after the word "provided" the words, "that on the paying of the tax that may be collected, shall be credited to such school such taxpayer may designate and the General Assembly shall provide by law for such distribution at its session next after the adoption of this Constitution, *provided*."

which was read and rejected.

Mr. Spaunhorst offered the following amendment to the amendment:

Amend by striking out and inserting after the word "provided" the following: "That any taxpayer who shall show, by certificate according to law as shall be provided by the General Assembly at its session next after the adoption of this Constitution, that he or she do educate his or her children, at his or her own expense, shall be exempted from the tax imposed by this section for school purposes provided."

which was read and rejected.

Mr. McCabe offered the following amendment to the amendment:

Amend the amendment by adding thereto as follows: "*Provided*, that every person or taxpayer, who shall educate his child or children at a school other than the public school, shall be entitled to a draw back on his taxes for school purposes, equal in amount to the expense of educating such child or children in the public school."

which was read.

The ayes and noes being demanded by five members, the amendment to the amendment was rejected by the following vote:

AYES

Carleton	McCabe	Ross	Taylor	Watkins	
Gantt	Norton	of Morgan	of St. Louis		10
Hyer	Priest	Spaunhorst			

NOES

492] Adams	Davis	Holliday	Nickerson	Taylor
Allen	Dryden	Johnson	Pipkin	of Jasper
Alexander	Dysart	of Cole	Ray	Todd
Black	Edwards	Johnston	Rider	Wagner
Boone	of Iron	of Nodaway	Rippey	Wallace
Bradfield	Eitzen	Lackland	Roberts	Mr. President
Broadhead	Farris	Lay	Ross	
Brockmeyer	Fyan	Letcher	of Polk	48
Chrisman	Hale	Mabrey	Rucker	
Conway	Halliburton	Massey	Shanklin	
Cottey	Hammond	McAfee	Switzler	
Crockett	Hardin	Mudd		

ABSENT

Crews	Maxey	Pulitzer	
Gottschalk	Mortell	Shields	6

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

SICK

Edwards of St. Louis	1

Mr. Rippey offered the following amendment to the amendment:

Amend by striking out all after and inclusive of the word "who" where it last occurs and insert in lieu thereof the following words: "in such school district at an election held for that purpose vote for said increase."

which was read and rejected.

Mr. Spaunhorst in the chair.

The question recurring on the adoption of the amendment offered by Mr. Switzler, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Brockmeyer	Edwards	Hammond	Johnston
Allen	Chrisman	of Iron	Hardin	of Nodaway
Alexander	Conway	Eitzen	Holliday	Lackland
Black	Cottey	Farris	Johnson	Lay
Boone	Davis	Gantt	of Cole	McAfee
Bradfield	Dryden	Halliburton		

Mudd	Ray	Rucker	Taylor	Todd	
Nickerson	Rider	Shanklin	of Jasper	Wallace	
Norton	Ross	Switzler			
	of Polk				37

NOES

Broadhead	Hale	McCabe	Ross	Wagner	
Carleton	Hyer	Pipkin	of Morgan	Watkins	
Crockett	Letcher	Priest	Spaunhorst	Mr. President	
Dysart	Mabrey	Rippey	Taylor		20
Fyan		Roberts	of St. Louis		

ABSENT

Crews	Massey	Mortell	Shields	
Gottschalk	Maxey	Pulitzer		7

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

SICK

Edwards	
of St. Louis	1

Mr. Farris offered the following resolution:

493] Whereas, The *Globe-Democrat* of the 12th inst. contains the following special dispatch, to-wit:

Jefferson City, July 11th.

The chief topic of conversation this evening has been the position taken yesterday by Hon. Waldo P. Johnson, President of the Constitutional Convention, on the resolution which was to have been introduced to have a salute fired in memory of the late Francis P. Blair by the Adjutant-General and the hall draped in mourning. The resolutions as intended read:

Resolved by this Convention, That the Adjutant-General be requested to announce the death of Major General F. P. Blair by a salute due to a soldier of this Republic.

Second. That the sergeant-at-arms be directed to drape the chamber with emblems of sorrow in commemoration of Missouri's departed statesman.

Third. That the President appoint a committee of five to represent this body at the obsequies of his remains in the city of St. Louis.

Several members who noticed the movements of Mr. Johnson claim that he actually left his seat and lobbied vigorously to have the resolutions suppressed. They were not presented, as Mr. Nic Mortell of St. Louis who drew them up respected the memory of the dead statesman and soldier too much to have any contest over the resolutions. Intense indignation is manifested at the action of the President and a resolution

will be introduced on Monday not at all complimentary to the presiding officer of the Convention.

And Whereas, we recognize in the Honorable Waldo P. Johnson a magnanimous and honorable gentleman, liberal in views, kindly in feeling, generous in impulse and courteous in all the relations of life and wholly incapable of the conduct attributed to him; And Whereas, The responsibility and character of the special correspondent of the *Globe-Democrat* is unknown to the public.

Be it Resolved, by the members of this Convention, That the imputations thus attempted to be cast upon our worthy President by an irresponsible correspondent are a tissue of misrepresentations justly censurable for his false, libelous and slanderous report.

which was read and unanimously adopted.

On motion of Mr. Broadhead the Convention ad-
494] journed until tomorrow at 8 o'clock a. m.

THURSDAY, JULY 15, 1875

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the third subdivision of Section thirteen of the report of the Committee on Revenue and Taxation.

Mr. Hammond offered the following amendment to the third subdivision of Section thirteen:

Amend by adding after the word "indebtedness" in the twenty-fifth line the words, "existing at the time of the adoption of this Constitution."

which was read.

Mr. Adams offered the following amendment to the amendment:

Amend by adding the words, "or several bonds for the same."

which was read and rejected.

The question recurring on the adoption of the amendment offered by Mr. Hammond, it was rejected.

Mr. Switzler in the chair.

Mr. Wagner offered the following amendment to the third subdivision of Section thirteen:

Amend by striking out the word "bonded" in the twenty-fifth line, and insert at the end of the section the following words: "now existing."

which was read.

The President in the chair.

Mr. Farris moved the previous question, which was ordered.

The question recurring on the adoption of the amendment offered by Mr. Wagner, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

495] Adams	Crockett	Halliburton	Mudd	Switzler	
Allen	Davis	Hammond	Nickerson	Taylor	
Alexander	Dryden	Hardin	Norton	of Jasper	
Black	Dysart	Holliday	Pipkin	Taylor	
Boone	Edwards	Hyer	Priest	of St. Louis	
Bradfield	of Iron	Johnson	Ray	Todd	
Broadhead	Edwards	of Cole	Rider	Wagner	
Brockmeyer	of St. Louis	Lackland	Rippey	Wallace	
Carleton	Eitzen	Lay	Roberts	Watkins	
Chrisman	Farris	Letcher	Ross	Mr. President	
Conway	Fyan	Mabrey	of Morgan		
Cottey	Gantt	McAfee	Shanklin		
Crews	Hale	McCabe	Spaunhorst		56

NOES

Johnston of Nodaway	1

ABSENT

Gottschalk	Maxey	Pulitzer	Ross	Rucker	
Massey	Mortell		of Polk	Shields	8

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

Mr. Mudd offered the following amendment to the third subdivision of Section thirteen:

Amend by adding thereto as amended the following words: "or bonds which may be issued in renewal of such indebtedness."

which was read and adopted.

Under suspension of the rules, Mr. Nickerson offered the following amendment to Section thirteen:

Amend by striking out the word "thirty-five" in the fifth line and insert in lieu thereof the word "forty."

which was read and adopted.

Mr. Brockmeyer offered the following amendment to Section thirteen:

Amend by inserting after the word "purposes" in the second line the following words: "but the assessment made for such taxation shall not exceed the assessment made by the State."

which was read and adopted.

Mr. Spaunhorst offered the following amendment to Section thirteen:

Amend by striking out the word "eighty" in the tenth line and insert in lieu thereof the words "one hundred."

which was read and adopted.

Mr. Chrisman offered the following amendment to Section thirteen:

Amend by striking out the word "thirty" in the seventh line and insert the word "fifty."

which was read and adopted.

Mr. Chrisman offered the following amendment to Section thirteen:

Amend by striking out of lines six and eight "$20,000,000" and insert in lieu thereof, "$30,000,000."

which was read and adopted.

Mr. Rider offered the following amendment to Section thirteen:

Amend by inserting the following words after "valuation" in the sixteenth line: "*Provided*, that counties, cities and towns may levy a special tax for the purpose of erecting public buildings when a majority **496**] of the qualified voters voting at a general or special election held for that purpose shall so determine."

which was read and rejected.

Mr. McAfee offered the following amendment to Section thirteen:

Amend by inserting after the word "valuation" in the twentieth line the following: "Except that for the purpose of erecting public

buildings in counties, cities, or school districts the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been first submitted to a vote of the people and voted in favor of by a majority of the qualified voters of such county, city or school district voting at such election."

which was read.

Mr. Adams offered the following amendment to the amendment:

Amend the amendment by striking out the words "a majority" and inserting the word "two-thirds" in lieu thereof.

which was read and agreed to.

The question recurring on the adoption of the amendment offered by Mr. McAfee to Section thirteen, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Cottey	Eitzen	Lay	Roberts
Allen	Crews	Farris	Letcher	Rucker
Alexander	Davis	Fyan	McAfee	Switzler
Boone	Dysart	Halliburton	McCabe	Taylor
Bradfield	Edwards	Hammond	Mudd	of Jasper
Brockmeyer	of Iron	Hyer	Norton	Wagner
Carleton	Edwards	Johnson	Priest	Watkins
Conway	of St. Louis	of Cole	Rider	Mr. President

36

NOES

Black	Hale	Lackland	Rippey	Taylor
Crockett	Holliday	Mabrey	Shanklin	of St. Louis
Dryden	Johnston	Pipkin	Spaunhorst	Todd
Gantt	of Nodaway	Ray		Wallace

17

ABSENT

Broadhead	Hardin	Mortell	Ross	Ross
Chrisman	Massey	Nickerson	of Morgan	of Polk
Gottschalk	Maxey	Pulitzer		Shields

12

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

497] Mr. Eitzen offered the following amendment to Section thirteen:

Amend by striking out "forty" in the fifteenth line and insert "fifty."

which was read and adopted.

Mr. Wallace offered the following amendment to Section thirteen:

Amend by striking out "fifty" in the fourteenth line and insert "sixty."

which was read.

Mr. Taylor of Jasper moved that the Convention adjourn until 2 o'clock p. m., which was not agreed to.

Mr. Shanklin moved to lay Section thirteen and amendments on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Black	Johnson	Johnston	Lackland	Shanklin	
Cottey	of Cole	of Nodaway	Ross		
Hale			of Morgan		8

NOES

Adams	Dryden	Halliburton	Pipkin	Taylor	
Allen	Dysart	Hammond	Priest	of Jasper	
Alexander	Edwards	Hyer	Ray	Taylor	
Boone	of Iron	Lay	Rider	of St. Louis	
Bradfield	Edwards	Letcher	Rippey	Todd	
Carleton	of St. Louis	Mabrey	Roberts	Wagner	
Conway	Eitzen	McAfee	Rucker	Wallace	
Crews	Farris	McCabe	Spaunhorst	Mr. President	
Crockett	Fyan	Mudd	Switzler		44
Davis	Gantt	Norton			

ABSENT

Broadhead	Gottschalk	Massey	Nickerson	Ross	
Brockmeyer	Hardin	Maxey	Pulitzer	of Polk	
Chrisman	Holliday	Mortell		Shields	13

ABSENT WITH LEAVE

McKee	McKillop	Shackelford	3

The question recurring on the adoption of the amendment offered by Mr. Wallace to Section thirteen, it was rejected.

Mr. Farris offered the following amendment to Section thirteen:

Amend by striking out in line thirteen the words "or less" and insert the words, "and more than one thousand," and insert after the word "valuation," in line sixteen, "and in towns of one thousand inhabitants or less not more than twenty-five cents" and insert before "three thou-
498] sand" in line fifteen the words, "less than."

which was read.

On motion of Mr. Mudd the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

The Convention resumed the consideration of the amendment offered by Mr. Farris to Section thirteen pending at adjournment.

Mr. Watkins moved the previous question, which was ordered.

The question recurring on the adoption of the amendment, it was adopted.

On motion of Mr. Conway leave of absence was granted Mr. Hardin.

The question recurring on the adoption of Section thirteen as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Adams	Edwards of Iron	Holliday	Priest	Taylor of Jasper
Allen	Edwards of St. Louis	Hyer	Ray	Taylor of St. Louis
Alexander	Eitzen	Letcher	Rippey	Todd
Boone	Farris	Mabrey	Roberts	Wagner
Bradfield	Gantt	McCabe	Ross of Polk	Wallace
Carleton	Halliburton	Mudd	Rucker	Watkins
Conway	Hammond	Nickerson	Spaunhorst	38
Davis		Norton	Switzler	
		Pipkin		

NOES

Black	Hale	Johnston	McAfee	Shanklin
Chrisman	Johnson	of Nodaway	McKillop	Mr. President
Cottey	of Cole	Lackland	Ross	14
Dryden		Lay	of Morgan	

ABSENT

Broadhead	Crockett	Gottschalk	Mortell	Rider
Brockmeyer	Dysart	Massey	Pulitzer	Shields
Crews	Farris	Maxey		13

ABSENT WITH LEAVE

Hardin	McKee	Shackelford	3

Section fourteen was read.

Mr. McCabe in the chair.

Mr. Gantt offered the following amendment to Section fourteen:

Amend by striking out the word "twenty" in the ninth line and insert in lieu thereof the word "thirteen."

which was read and rejected.

Mr. Mudd offered the following amendment to Section fourteen:

Amend by inserting after the word "nor" in the sixth line the fol-

] lowing words: "shall any debt be incurred within the limitations."

which was read and adopted.

Mr. Todd offered the following amendment to Section fourteen:

Amend by inserting after the word "indebted" in the second line the following words: "by bonds for a longer credit than twenty years" and by striking out the words, "in any manner," after the word "indebted" in the second line.

which was read.

On motion of Mr. Letcher Section fourteen and pending amendment was laid over informally.

Section fifteen was read.

Mr. Wallace offered the following amendment to Section fifteen:

Amend by adding the words, "on execution," after the word "sold" in the first line.

which was read and rejected.

Mr. Switzler offered the following amendment to Section fifteen:

Amend by striking out the words, "liable to be," in the first line.

which was read and adopted.

Section fifteen as amended was then adopted.

On motion of Mr. Letcher Section sixteen was laid over informally.

Section seventeen was read.

Mr. Holliday offered the following substitute for Section seventeen:

All moneys now, or at any time hereafter, in the State treasury, belonging to the State, shall, immediately on receipt thereof, be deposited by the treasurer to the credit of the State for the benefit of the funds to which they respectively belong in such bank or banks as he may, from time to time, with the approval of the Governor and Attorney-General select, the said bank and banks giving security, satisfactory to the Governor and Attorney-General for the safe-keeping and forthcoming of such deposits, and such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State according to law, upon warrants drawn by the Auditor of the State, and not otherwise.

which was read.

Mr. Switzler offered the following amendment to the substitute:

Amend by striking out the word "forthcoming" in line fourteen 500] and insert the following words: "payment when demanded by the State Treasurer on his check."

which was read and adopted.

Mr. Gantt offered the following amendment to the substitute:

Amend by striking out the word "he" in the ninth line and insert in lieu thereof the words, "the Governor of the State," and strike out the words, "with the approval of the Governor and Attorney-General."

which was read.

Mr. Shanklin moved the previous question, which was ordered.

The question recurring on the adoption of the amendment offered by Mr. Gantt, it was rejected.

The question then recurring on the adoption of the substitute for Section seventeen offered by Mr. Holliday, and the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Boone	Farris	McKillop	Roberts	Taylor	
Brockmeyer	Fyan	Nickerson	Ross	of Jasper	
Carleton	Gantt	Norton	of Polk	Taylor	
Conway	Holliday	Pipkin	Rucker	of St. Louis	
Cottey	Hyer	Priest	Shanklin	Todd	
Crockett	Johnson	Ray	Spaunhorst	Watkins	
Davis	of Cole	Rider	Switzler	Mr. President	
Edwards	Letcher	Rippey			35
of St. Louis	McAfee				

NOES

Adams	Broadhead	Edwards	Hammond	Mabrey	
Allen	Chrisman	of Iron	Johnston	McCabe	
Alexander	Crews	Eitzen	of Nodaway	Mudd	
Black	Dryden	Hale	Lackland	Wagner	
Bradfield	Dysart	Halliburton	Lay	Wallace	23

ABSENT

Gottschalk	Maxey	Pulitzer	Ross	Shields	
Massey	Mortell		of Morgan		7

ABSENT WITH LEAVE

Hardin	McKee	Shackelford	3

The question recurring on the adoption of Section seventeen as amended by the substitute and the ayes and noes being demanded by five members, the section as amended was adopted by the following vote:

AYES

501] Adams	Davis	Hyer	Ray	Taylor	
Alexander	Dryden	Johnson	Rider	of Jasper	
Boone	Dysart	of Cole	Rippey	Taylor	
Broadhead	Edwards	Letcher	Roberts	of St. Louis	
Brockmeyer	of St. Louis	McAfee	Ross	Todd	
Carleton	Eitzen	McCabe	of Morgan	Wallace	
Chrisman	Farris	McKillop	Ross	Watkins	
Conway	Fyan	Nickerson	of Polk	Mr. President	
Cottey	Gantt	Norton	Rucker		
Crews	Halliburton	Pipkin	Spaunhorst		
Crockett	Holliday	Priest	Switzler		46

NOES

Allen	Edwards	Hammond	Lackland	Mudd	
Black	of Iron	Johnston	Lay	Shanklin	
Bradfield	Hale	of Nodaway	Mabrey	Wagner	13

ABSENT

Gottschalk	Maxey	Pulitzer		
Massey	Mortell	Shields		6

ABSENT WITH LEAVE

Hardin	McKee	Shackelford	3

Mr. Wagner moved to reconsider the vote by which the new section offered by Mr. Letcher in lieu of Section four was adopted. The ayes and noes being demanded by five members, the motion to reconsider was agreed to by the following vote:

AYES

Allen	Davis	Johnson	Nickerson	Spaunhorst	
Black	Dryden	of Cole	Norton	Switzler	
Boone	Dysart	Johnston	Priest	Taylor	
Broadhead	Edwards	of Nodaway	Ray	of Jasper	
Brockmeyer	of St. Louis	Lackland	Rider	Taylor	
Carleton	Fyan	Lay	Ross	of St. Louis	
Chrisman	Gantt	Letcher	of Morgan	Todd	
Conway	Hale	Mabrey	Ross	Wagner	
Cottey	Hammond	McAfee	of Polk	Wallace	
Crews	Hyer	McCabe	Rucker	Watkins	
Crockett		McKillop	Shanklin	Mr. President	47

NOES

Adams	Edwards	Farris	Holliday	Pipkin	
Alexander	of Iron	Halliburton	Mudd	Roberts	11
Bradfield	Eitzen				

ABSENT

Gottschalk	Maxey	Pulitzer	Shields	
Massey	Mortell	Rippey		7

ABSENT WITH LEAVE

Hardin	McKee	Shackelford	3

Mr. Cottey gave notice of a motion to reconsider the vote by which Section two of Article —— on Executive and Ministerial Departments of the State Government was adopted, and to have his motion entered on the journal.

On motion of Mr. Norton the Convention adjourned until tomorrow, 8 o'clock a. m.

502] FRIDAY, JULY 16, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

The Convention resumed the consideration of the report of the Committee on Revenue and Taxation.

On motion of Mr. Lackland leave of absence was granted Mr. Dryden on account of sickness in his family.

Section eighteen was read.

Mr. Spaunhorst offered the following amendment to Section eighteen:

Amend by striking out all after the word "shall" in the first line down to the word "publish" in the second line.

which was read and agreed to.

Mr. Adams offered the following amendment to Section eighteen:

Amend by striking out the word "monthly" in the third line and inserting the word "quarterly" in lieu thereof and by striking out the words, "and how secured," in the fourth line.

which was read and agreed to.

Mr. Crews offered the following amendment to Section eighteen:

Amend by inserting after the word "shall" in the first line the following words: "keep a separate account of the funds received and the number and amount of warrants received and from whom and."

which was read.

The ayes and noes being demanded by five members the amendment was adopted by the following vote:

AYES

Bradfield	Eitzen	Johnston	McKillop	Taylor
Carleton	Fyan	of Nodaway	Pipkin	of St. Louis
Crews	Gantt	Lay	Ray	Todd
Crockett	Halliburton	Letcher	Roberts	Wagner
Davis	Hyer	Maxey	Ross	Watkins
Dysart	Johnson	McAfee	of Polk	Mr. President
Edwards	of Cole	McCabe	Switzler	30
of St. Louis				

NOES

Adams	Chrisman	Hale	Mudd	Shackelford
Allen	Conway	Hammond	Nickerson	Shanklin
Alexander	Cottey	Holliday	Nocton	Spaunhorst
Black	Edwards	Mabrey	Priest	Taylor
Broadhead	of Iron	Massey	Rucker	of Jasper
Brockmeyer	Farris			Wallace 26

ABSENT

Boone	Gottschalk	Mortell	Rider	Ross
Dryden	Lackland	Pulitzer	Rippey	of Morgan
				Shields 10

ABSENT WITH LEAVE

503] Hardin McKee 2

The question recurring on the adoption of Section eighteen as amended, it was adopted.

Section nineteen was read.

Mr. McKillop offered the following amendment to Section nineteen:

Amend by inserting after the word "State" in the first line the words, "or county," and by striking out of the second line the words, "officer of the State," and inserting after the word "any" the words, "State or county officer."

which was read and agreed to.

Mr. Conway offered the following amendment to Section nineteen:

Amend by striking out all after the word "law" in the third line.

which was read and agreed to.

Mr. Todd offered the following substitute for Section nineteen as amended.

Amend by substituting the following for Section nineteen:

The making of profit out of State, county, city, town or school district money, and the using of the same for any purpose not authorized by law by any public officer, shall be deemed a felony, and shall be punishable by law.

which was read and adopted.

The question recurring on the adoption of Section nineteen as amended by the substitute, it was adopted.

Section twenty was read.

Mr. Switzler offered the following substitute for Section twenty:

Strike out Section twenty and insert the following:

"Section 20. The General Assembly shall provide for a State Board of Equalization which shall consist during the first two years after the adoption of this Constitution of the State Senators elected from districts of even number, and during the next two years thereafter of those elected from districts of uneven numbers and thus alternate biennially. The duty of this board shall be to adjust the valuations of real and personal property, and equalize the same among the several counties in the State at such times and according to such rules as the General As-

 sembly may for that purpose provide."

which was read.

Mr. Letcher offered the following amendment to Section twenty:

Amend by striking out the words "the General Assembly shall provide for" in the first line and insert in lieu thereof the words, "there shall be," and by striking out the word "freeholder" in the second line, and inserting the word "member" in lieu thereof, and by inserting after the word "district" in the second line, the words,"who shall possess the qualifications of a State Senator," and by striking out of the second and third lines the following words: "appointed by the Governor, by and with the advice and consent of the Senate," and insert in lieu thereof the words, "elected by the voters of said district."

which was read.

Mr. Mudd offered the following amendment to the amendment:

Amend by adding in line twelve, after the word "district" the words, "at each general election."

which was read and adopted.

Mr. Maxey offered the following amendment to the amendment:

Amend by adding after the word "qualification" the following words: "and receive the same pay as."

which was read and adopted.

Mr. Shanklin moved to refer Section twenty, with all pending amendments, to the Committee on Executive and Ministerial Departments of the State Government, with instructions to take the same into consideration and report thereon at an early day, which was not agreed to.

The question recurring on the adoption of the amendment offered by Mr. Letcher as amended, Mr. Conway called for a division of the question. The question then being on the motion to strike out the words, "The General Assembly shall provide for," in the first line and insert in lieu thereof the words, "there shall be," it was adopted.

The question then being on the motion to strike out the **505**] word "freeholder" in the second line, and insert the word "member" in lieu thereof, it was adopted.

The question being on the motion to insert after the word "district" in the second line the words, "who shall possess the qualifications of, and receive the same pay as State Senator," it was adopted.

The question being on the motion to strike out of the second and third lines, the following words, "appointed by the Governor, by and with the advice and consent of the Senate," and insert in lieu thereof the words, "elected by the voters of said district," it was rejected.

Mr. Massey offered the following amendment to Section twenty:

Amend by adding the following words: "and the appointments provided for in this section shall be for a period of four years."

which was read and rejected.

Mr. Mudd offered the following amendment to Section twenty:

Amend by inserting after the word "Senate" in the third line the following words: "whose term in office shall be two years."

which was read and adopted.

The question then recurring on the adoption of the substitute offered by Mr. Switzler, it was rejected.

Mr. Broadhead offered the following substitute for Section twenty, as amended:

The Governor, Attorney-General, Secretary of State, Auditor of State, and State Treasurer shall constitute a State Board of Equalization, whose duty it shall be to adjust and equalize the valuations of real and personal property, among the several counties in the State, at such time and according to such rules as the General Assembly may provide.

which was read.

Mr. Spaunhorst offered the following amendment to the substitute:

Amend by inserting after the word "rules" the following words: "and receive such compensation," and by adding thereto the following, "the aggregate amount of the assessment as returned shall not be ma-

terially changed and shall confine them to equalize the values between the different counties."

which was read.

Mr. Cottey moved the previous question, which was not ordered.

Mr. Spaunhorst moved that all debates now close on the pending substitute and amendments, which was adopted.

The question recurring on the adoption of the amendment offered by Mr. Spaunhorst, it was rejected.

The question being upon the adoption of the substitute offered by Mr. Broadhead, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Bradfield	Farris	Mabrey	Priest	Spaunhorst
Broadhead	Hale	Maxey	Ross	Taylor
Dysart	Holliday	Norton	of Polk	of St. Louis
Edwards	Ray	Pipkin	Rider	
of Iron				17

NOES

Adams	Carleton	Crockett	Fyan	Johnson
Allen	Chrisman	Davis	Gantt	of Cole
Alexander	Conway	Edwards	Halliburton	Johnston
Black	Cottey	of St. Louis	Hyer	of Nodaway
Brockmeyer	Crews	Eitzen		

Letcher	McKillop	Rippey	Shanklin	Wallace
Massey	Mudd	Roberts	Switzler	Watkins
McAfee	Nickerson	Rucker	Todd	Mr. President
McCabe	Ray	Shackelford	Wagner	39

ABSENT

Boone	Hammond	Mortell	Ross	Taylor
Gottschalk	Lackland	Pulitzer	of Morgan	of Jasper
			Shields	9

ABSENT WITH LEAVE

Hardin	Dryden	McKee	3

Mr. Halliburton offered the following substitute for Section twenty:

There shall be a State Board of Equalization consisting of one member to be elected by the voters of each congressional district at each general election, who shall possess the qualifications, and be entitled to the same pay, of a State Senator, whose term of office shall be two years, and whose duty it shall be to adjust and equalize the valuations of real and personal property among the several counties in the State at such 507] time and according to such rules as the General Assembly may for such purpose provide.

which was read.

Mr. Rippey offered the following amendment to the substitute:

Amend by adding the following: "*Provided*, that the members of said board shall receive but one dollar per day after the first thirty days of their session."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Halliburton, and the ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES

Bradfield	Eitzen	Mabrey	Norton	Taylor
Broadhead	Fyan	Maxey	Priest	of St. Louis
Carleton	Gantt	McAfee	Ray	Todd
Crockett	Halliburton	McCabe	Rippey	Wagner
Dysart	Hammond	McKillop	Roberts	Watkins
Edwards	Hyer	Mudd	Ross	
of St. Louis	Letcher	Nickerson	of Polk	30

NOES

Adams	Cottey	Holliday	Lay	Spaunhorst
Allen	Crews	Johnson	Massey	Wallace
Alexander	Edwards	of Cole	Pipkin	Mr. President
Black	of Iron	Johnston	Rider	
Chrisman	Farris	of Nodaway	Shackelford	
Conway	Hale	Lackland	Shanklin	24

ABSENT

Brockmeyer	Mortell	Ross	Shields	Taylor
Davis	Pulitzer	of Morgan	Switzler	of Jasper
Gottschalk		Rucker		10

ABSENT WITH LEAVE

Boone	Dryden	Hardin	McKee	4

Mr. Pipkin offered the following substitute for Section twenty as amended:

There shall be a Board of Equalization, consisting of one-half of the Senators-elect of the State, to be selected alternately by lot and from alternate districts by the Senate, whose duty it shall be to adjust and equalize the valuations of real and personal property among the several counties in the State, at such times, and according to such rules, as the General Assembly may for that purpose provide.

which was read and rejected.

508] The question then recurring on the adoption of Section twenty as amended by the substitute offered by Mr. Halliburton, it was adopted.

On motion of Mr. Farris the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Crews leave of absence was granted Mr. Boone.

Mr. Hale from the Committee on the Future Manner of Amending the Constitution submitted the following report:

Mr. President:

The Committee on the subject of the Future Manner of Amending the Constitution has instructed me to report that it has duly considered the same, and has agreed on the accompanying article which it recommends for adoption.

Jno. B. Hale, *Chairman.*

ARTICLE——MODE OF AMENDING AND REVISING THE CONSTITUTION

Section 1. This Constitution may be amended and revised in pursuance of the provisions of this article.

Section 2. The General Assembly at any time may propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient, and the vote thereon shall be taken by yeas and nays, and entered in full on the journal, and the proposed amendments shall be published with the laws of that session, and also shall be published weekly in some newspaper, if such there be within each county in the State, for four consecutive weeks, next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately at the 509] next general election thereafter, in such manner as the General Assembly may provide, and if a majority of the qualified voters of the State, voting, vote for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

Section 3. The General Assembly may at any time authorize by law a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State, and if at such election a majority of the voters on the question be in favor of a Convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a convention, not less than three and within six months after that in which the said question shall have been voted on. At such election each senatorial district shall elect two delegates for each Senator, to which it may be then entitled in the General Assembly, and every such delegate shall have the qualification of a Senator. The election shall be conducted in conformity with the laws, regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a Convention and proceed to revise and amend the Constitution; and the Constitution when so revised and amended shall on a day to be therein fixed, not less than sixty days, nor more than six months after that on which it shall have been adopted by the Convention, be submitted to a vote of the people for and against it at an election to be held for that purpose only, and if a majority of all the votes given be in favor of such Constitution, it shall at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proc-

lamation by the Governor. The General Assembly shall have no power, otherwise than in this section specified, to authorize a Convention for revising and amending the Constitution.

510] which was read.

Mr. Hale moved that the rules be suspended and that the report be read a second time, which was not agreed to.

On motion of Mr. Spaunhorst the report was laid over informally and one hundred copies ordered printed.

Vice-President Watkins in the chair.

The Convention resumed the consideration of the report of the Committee on Revenue and Taxation.

Section twenty-one was read.

Mr. Shackelford offered the following amendment to Section twenty-one:

Amend by adding after the word "made" in the third line the following words, "or a warrant shall have issued therefor."

which was read and agreed to.

Mr. Lay offered the following amendment to Section twenty-one:

Amend by striking out all after the word "law" in the second line, down to and including the word "act" in the fourth line.

which was read and rejected.

Mr. Allen offered the following amendment to Section twenty-one as amended:

Amend by striking out all after the word "State" in the first line, down to and including the word "nor" in the second line.

which was read and rejected.

Section twenty-one as amended was then adopted.

Section twenty-two was read and adopted.

Section twenty-three was read.

Mr. Norton offered the following amendment to Section twenty-three:

Amend by striking out the word "ten" in the fourth line and insert the word "twenty-five."

which was read.

Mr. Gantt offered the following amendment to the amendment:

Amend by striking out the word "twenty-five" and insert the word "fifty."

which was read.

Mr. Shanklin moved to refer Section twenty-three and pending amendment to the Committee on Banks and Corporations, which was not agreed to.

Mr. Allen moved to lay Section twenty-three and pend-
511] ing amendment on the table, which was not agreed to.

The question being on the adoption of the amendment offered by Mr. Gantt to the amendment offered by Mr. Norton, it was adopted.

The question then recurring on the adoption of the amendment offered by Mr. Norton as amended, it was adopted.

Mr. Chrisman offered the following amendment to Section twenty-three:

Amend by inserting after the words, "in the office of the Secretary of State."

which was read and rejected.

Mr. Taylor of Jasper offered the following amendment to Section twenty-three:

Amend by striking out of lines three and four the following words: "the filing of the articles of association or incorporation," and insert in lieu thereof the following words: "receiving a certificate of incorporation."

which was read and rejected.

Mr. Broadhead offered the following amendment to Section twenty-three:

Amend by striking out the words, "officers thereof," in the third line, and insert in lieu thereof the words, "persons named as corporators."

which was read and adopted.

Mr. Holliday offered the following amendment to Section twenty-three:

Amend by adding the following to the section: "*Provided*, nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation."

which was read and adopted.

Mr. Massey offered the following amendment to Section twenty-three:

Amend by striking out the words "one dollar" wherever it occurs and insert in lieu thereof the words "five dollars."

which was read and adopted.

Mr. Mudd offered the following amendment to Section twenty-three:

Amend by inserting in the fourth line after the word "dollar" the words, "for the first fifty thousand dollars or less," and inserting after the word "every" in the fifth line the word "additional."

which was read and adopted.

Section twenty-three as amended was then adopted.

Mr. Hammond offered the following proposed new section to the report of the Committee on Revenue and Taxation:

Section—. All taxes assessed against real estate shall be a lien on the same, and the General Assembly shall provide by law for the enforcement of such lien, if said taxes shall not be otherwise paid, by the **512**] sale of such real estate under execution upon the judgment of some court of record, and such sale shall have the same force, effect and validity as other judicial sales; *provided*, that the General Assembly shall further provide that when real estate shall have been sold for the taxes due thereon, the same may be redeemed within a certain specified time.

which was read.

Mr. Spaunhorst offered the following amendment by way of substitute:

Section—. The collection of delinquent taxes and the sale of lands delinquent shall be regulated by general law, and when lands are sold for delinquent tax, a perfect title shall pass to the purchaser for the portion so sold; *provided*, that no lands delinquent shall be sold for less than the amount of tax and cost due, and unless such delinquency shall have existed for three years, *and provided further*, that this section shall not apply to lands of minors or persons of unsound mind.

which was read.

Mr. McCabe moved to lay the proposed new section and amendment on the table, which was agreed to.

Mr. Broadhead offered the following proposed new section to the report of the Committee on Revenue and Taxation:

The General Assembly shall in addition to other modes of taxation have power to tax railroad corporations upon their gross receipts.

which was read.

Mr. Holliday offered the following amendment to the proposed new section:

Amend by adding the following words: "their net earnings, their franchises or their other property as may seem just and proper."

which was read.

Mr. Wallace moved to refer the proposed new section and pending amendment to the Committee on Railroad Taxation, which was agreed to.

Section eight, laid over informally June 13, 1875, was taken up and adopted.

Section fourteen, laid over informally, was taken up.

The question being on the adoption of the amendment
513] offered by Mr. Todd to Section fourteen, it was rejected.

Mr. Mudd offered the following amendment to Section fourteen as amended:

Amend by prefixing the following words: "except for current expenses to be paid out of the revenue for the current fiscal year."

which was read and adopted.

Mr. McAfee offered the following amendment to Section fourteen:

Amend by inserting after the word "year" the words, "or for erecting public buildings as provided for in Section thirteen."

which was read and rejected.

Mr. Pipkin offered the following amendment to Section fourteen:

Amend by striking out the following words: "the assessment next before," in the fifth line.

which was read and rejected.

Mr. Spaunhorst offered the following amendment to Section fourteen:

Amend by adding the following words: "and no county, city, town, township, school district or other municipal corporation, whose bonded

indebtedness exceeds said five per centum, shall contract any further bonded debt, until such indebtedness be less than said five per centum."

which was read and rejected.

Mr. Shackelford offered the following amendment to Section fourteen:

Amend by inserting after the words "fiscal year" the following words: "and for the erection of court houses and jails by counties as provided for in Section thirteen of this article."

which was read and adopted.

On motion of Mr. Spaunhorst the Convention adjourned until tomorrow at 8 o'clock a. m.

SATURDAY, JULY 17, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

On motion of Mr. Spaunhorst leave of absence was granted Mr. Eitzen.

Mr. Nickerson offered the following amendment to the rules of the Convention:

Resolved that Rule 13 be and is hereby amended so as to read
514] as follows:

Rule 13. No member shall speak more than once on the same question nor speak longer than five minutes at any one time.

which was read, and laid over under the rules.

Mr. Taylor of Jasper offered the following resolution:

Resolved, That this Convention will adjourn on the 24th inst. to meet on the second Tuesday in January, 1876.

which was read.

Mr. Norton rose to a point of order, and stated that in accordance with Rule 21 the resolution was not in order. The President decided the point of order well taken.

The Convention resumed the consideration of Section fourteen of the report of the Committee on Revenue and Taxation pending at adjournment.

Mr. Johnson of Cole moved that Section fourteen be referred to the Committee on Revenue and Taxation, which was agreed to.

Section sixteen, laid over informally, was taken up.

Mr. Letcher offered the following substitute for Section sixteen:

Amend Section sixteen by substituting therefor the following: "The tax authorized by the sixth section of the ordinance adopted June 6, 1865, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars, the proceeds of which tax shall be paid into the State treasury and appropriated and paid out for the purposes expressed in the first and second subdivisions of Section one of Article———entitled Limitations upon Legislative Powers. The funds and resources now in the State interest and State sinking funds shall be appropriated to the same purposes; and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed."

which was read, and adopted.

The question recurring on the adoption of Section sixteen as amended by the substitute, it was adopted.

The further consideration of the report of the Committee on Revenue and Taxation was postponed, and Sec-
515] tion one of Article —— on Limitations upon Legislative Power of the report of the Committee on Legislative Department was taken up.

Section one was read.

Mr. Brockmeyer offered the following amendment to Section one:

Amend by striking out the words, "five per cent upon the bonded debt," in line nine, and insert in lieu thereof, "two hundred and fifty thousand dollars."

which was read and adopted.

On motion of Mr. Pipkin leave of absence was granted Mr. Conway.

Mr. Brockmeyer offered the following amendment to Section one:

Amend by striking out all after the word "purposes" in lines ten and eleven.

which was read and adopted.

Mr. Switzler offered the following amendment to Section one:

Amend the sixth subdivision of Section one, fourteenth line, by adding after the word "eleemosynary" the words "and educational."

which was read.

On motion of Mr. Ross of Morgan leave of absence was granted Mr. Adams.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Allen	Davis	Lay	Pipkin	Taylor
Alexander	Edwards	Letcher	Ray	of Jasper
Broadhead	of St. Louis	Maxey	Rucker	Todd
Brockmeyer	Hale	McAfee	Shanklin	
Cottey	Lackland	Nickerson	Switzler	21

NOES

Black	Edwards	Johnson	Priest	Spaunhorst
Boone	of Iron	of Cole	Rippey	Taylor
Bradfield	Fyan	Johnston	Roberts	of St. Louis
Carleton	Gantt	of Nodaway	Ross	Wagner
Chrisman	Halliburton	Mabrey	of Morgan	Wallace
Crews	Hammond	Massey	Ross	Watkins
Crockett	Holliday	McCabe	of Polk	Mr. President
Dysart	Hyer	McKillop	Shackelford	33

ABSENT

Farris	Mortell	Norton	Shields	
Gottschalk	Mudd	Pulitzer		7

ABSENT WITH LEAVE

Adams	Dryden	Hardin	Rider	
Conway	Eitzen	McKee		7

Mr. Switzler offered the following amendment to Section one:

Amend by adding after the word "for" in tenth line the word "free."

which was read and adopted.

516] The question being on the adoption of Section one as amended, and the ayes and noes being demanded by five members, the section as amended was adopted by the following vote:

AYES

Allen	Davis	Johnston	Nickerson	Shanklin
Alexander	Dysart	of Nodaway	Norton	Spaunhorst
Black	Edwards	Lackland	Pipkin	Switzler
Boone	of St. Louis	Lay	Priest	Taylor
Bradfield	Fyan	Letcher	Ray	of Jasper
Broadhead	Gantt	Mabrey	Rippey	Taylor
Brockmeyer	Hale	Massey	Ross	of St. Louis
Carleton	Halliburton	Maxey	of Morgan	Todd
Chrisman	Hammond	McAfee	Ross	Wagner
Cottey	Hyer	McCabe	of Polk	Wallace
Crews	Johnson	McKillop	Rucker	Watkins
Crockett	of Cole	Mudd	Shackelford	Mr. President

53

NOES

Edwards	Holliday	
of Iron		2

ABSENT

Farris	Mortell	Roberts	
Gottschalk	Pulitzer	Shields	6

ABSENT WITH LEAVE

Adams	Dryden	Hardin	Rider	
Conway	Eitzen	McKee		7

On motion of Mr. Norton the report of the Committee on Legislative Department was referred to the Committee on Revision, with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed, for final adoption.

Mr. Taylor of Jasper offered the following resolution:

Resolved, That this Convention will adjourn on the 24th inst. to meet the second Tuesday in January, 1876.

which was read.

Mr. Norton moved to lay the resolution on the table. The ayes and noes being demanded by five members, the motion to lay the resolution on the table was agreed to by the following vote:

AYES

Allen	Davis	Mabrey	Priest	Shanklin
Alexander	Fyan	Massey	Ray	Switzler
Black	Gantt	Maxey	Rippey	Taylor
Boone	Hale	McAfee	Roberts	of St. Louis
Bradfield	Halliburton	McCabe	Ross	Todd
Cottey	Hammond	Nickerson	of Polk	Wagner
Crews	Hyer	Norton	Rucker	Wallace
Crockett	Lay	Pipkin	Shackelford	Mr. President

38

NOES

Broadhead	Holliday	Lackland	Ross	Taylor
Carleton	Johnson	Letcher	of Morgan	of Jasper
Dysart	of Cole	McKillop	Spaunhorst	Watkins
Edwards	Johnston	Mudd		
of St. Louis	of Nodaway			

16

ABSENT

517] Chrisman	Edwards	Farris	Mortell	Shields
	of Iron	Gottschalk	Pulitzer	

7

ABSENT WITH LEAVE

Adams	Dryden	Hardin	Rider
Conway	Eitzen	McKee	

7

Mr. Switzler moved to reconsider the vote by which the resolution was laid on the table, and to lay his motion to reconsider on the table, which was agreed to.

On motion of Mr. Norton the report of the Committee on Banks and Corporations was taken up.

The question being on the adoption of the proposed new section offered by Mr. Gottschalk to the report of the Committee on Banks and Corporations.

On motion of Mr. Shanklin the proposed new section was laid on the table.

Section eleven was read.

Mr. Holliday offered the following amendment to Section eleven:

Amend by striking out all of Section eleven down to the words, "and county," in third line.

which was read and rejected.

Mr. McCabe offered the following amendment to Section eleven:

Amend by striking out all after the word "partnerships" in the third line.

which was read and agreed to.

Mr. Maxey in the chair.

Mr. Todd offered the following amendment to Section eleven:

Amend by inserting after the word "associations" in line two, these words: "except limited partnerships."

which was read and rejected.

The question recurring on the adoption of Section eleven as amended, it was adopted.

Section twelve was read.

Mr. Spaunhorst offered the following substitute for Section twelve:

Amend Section twelve by substituting therefor the following: "No lotteries or gift enterprises for any purpose, shall be permitted in this State, and the sale of lottery tickets or for gift enterprises shall be prohibited, under such penalty as the General Assembly may provide by law."

which was read.

Mr. Shanklin offered the following amendment to Section twelve:

Amend by adding after the word "tickets" in the third line the fol-
518] lowing words, "or tickets in any scheme in the nature of a lottery."

which was read and agreed to.

Mr. Spaunhorst by unanimous consent withdrew his substitute for Section twelve.

The question recurring on the adoption of Section twelve as amended, it was adopted.

Article — — —on Railroads was taken up.

Section one was read.

On motion of Mr. McCabe the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

On motion of Mr. Rucker leave of absence was granted to Mr. Switzler.

On motion of Mr. Letcher leave of absence was granted Mr. Brockmeyer.

On motion of Mr. Shackelford leave of absence was granted Mr. Taylor of Jasper.

On motion of Mr. Carleton leave of absence was granted Mr. Taylor of St. Louis.

On motion of Mr. Norton leave of absence was granted Mr. Ross of Morgan.

On motion of Mr. Edwards of St. Louis leave of absence was granted Mr. Spaunhorst.

Mr. Hale in the chair.

The Convention resumed the consideration of Section one of Article — — — on Railroads pending at adjournment.

The question being on the adoption of Section one, it was adopted.

Section two was read and adopted.

Section three was read.

Mr. Cottey moved to lay Section three on the table. The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Allen	Farris	Johnston	Lay	Pipkin	
Alexander	Gantt	of Nodaway	McCabe	Shanklin	
Black	Johnson	Lackland	McKillop	Wallace	15
Cottey	of Cole				

NOES

519] Boone	Dysart	Hammond	McAfee	Shackelford
Bradfield	Edwards	Holliday	Priest	Todd
Carleton	of St. Louis	Hyer	Ray	Wagner
Crews	Fyan	Letcher	Rippey	Watkins
Crockett	Hale	Mabrey	Roberts	Mr. President
Davis	Halliburton	Massey	Rucker	28

ABSENT

Broadhead	Gottschalk	Mudd	Pulitzer	Shields
Edwards	Maxey	Nickerson	Ross	
of Iron	Mortell	Norton	of Polk	11

ABSENT WITH LEAVE

Adams	Dryden	Rider	Switzler	Taylor
Brockmeyer	Eitzen	Ross	Taylor	of St. Louis
Chrisman	Hardin	of Morgan	of Jasper	14
Conway	McKee	Spaunhorst		

Mr. McCabe offered the following amendment to Section three:

Amend by striking out all preceding the word "every" in the third line.

which was read and rejected.

The question recurring on the adoption of Section three, it was adopted.

Section four was read.

Mr. Shanklin offered the following amendment to Section four:

Amend by striking out all after the word "company" in the eighth line down to the word "shall" in the tenth line.

which was read and rejected.

Mr. Boone offered the following amendment to Section four:

Amend by inserting the word "annually" after the word "report" in the tenth line.

which was read and agreed to.

The question recurring on the adoption of Section four as amended, it was adopted.

Section five was read and adopted.

Section six was read and adopted.

Section seven was read.

Mr. Holliday offered the following amendment to Section seven:

Amend by striking out the words "cr other" in the first line.

which was read and agreed to.

Mr. Crews offered the following amendment to Section seven:

Amend by adding after the word "corporations" in second line the words "or any company, association cr individual."

520] which was read.

The President in the chair.

On motion of Mr. Farris the Convention adjourned until Monday, 8 o'clock a. m.

MONDAY, JULY 19, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

The journal of Saturday was read and approved.

Mr. Norton gave notice that he would move to reconsider the vote by which Section thirteen of the report of the Committee on Revenue and Taxation was adopted.

Under suspension of the rules, Mr. Gantt offered the following resolution:

Resolved, That a committee of seven be appointed by the Chair whose duty it shall be to consider whether it is incumbent on the Convention to take any action, and if any, what action, respecting 1918 bonds of one thousand dollars each which are said to have disappeared from the treasury of the State of Missouri.

which was read and adopted.

The President announced the following special committee to consider the expediency of the Convention examining into the condition of the bonded debt of the State, in pursuance of the resolution offered by Mr. Gantt: Gantt, Crews, Johnson of Cole, McCabe, Norton, Bradfield, Switzler.

The Convention resumed the consideration of Section seven of Article — — —on Railroads of the report of the Committee on Banks and Corporations with the amendment offered by Mr. Crews pending at adjournment.

Mr. Norton moved to lay Section seven and pending amendment on the table.

Mr. McCabe reported Mr. Wallace sick.

521] On motion of Mr. Rucker leave of absence was granted Mr. Hale.

The ayes and noes being demanded by five members on the motion to lay Section seven and amendment on the table, the motion was rejected by the following vote:

AYES

Allen	Dysart	Johnson	Massey	Shackelford
Alexander	Edwards	of Cole	Norton	Shanklin
Black	of Iron	Johnston	Priest	Todd
Carleton	Farris	of Nodaway	Ray	22
Cottey	Fyan	Lackland	Ross	
Crockett		Mabrey	of Polk	

NOES

Boone	Halliburton	Letcher	Mortell	Switzler
Bradfield	Hammond	Maxey	Pipkin	Wagner
Crews	Holliday	McAfee	Rippey	Watkins
Davis	Hyer	McCabe	Roberts	Mr. President
Gantt	Lay	McKillop	Rucker	24

ABSENT

Broadhead	Mudd	Pulitzer	Shields	
Gottschalk	Nickerson			6

ABSENT WITH LEAVE

Adams	Dryden	Hale	Ross	Taylor
Brockmeyer	Edwards	Hardin	of Morgan	of Jasper
Chrisman	of St. Louis	McKee	Spaunhorst	Taylor
Conway	Eitzen	Rider		of St. Louis
				15

SICK

Wallace 1

During the call of the roll, Mr. Shanklin rose to a point of order and stated that upon a motion to lay on the table,

no explanation of votes, which is usually extended into a general discussion of the question, is permitted by any rule of parliamentary law. The object of the motion to lay on the table is to arrive at a direct vote, which is defeated if the usual mode of explaining votes is allowed. The President decided the point of order not well taken.

Mr. Roberts moved that Section seven and pending amendment be referred to a special committee of five to be appointed by the President, which was agreed to.

Section eight was read.

Mr. Alexander in the chair.

The question being on the adoption of Section eight, it was adopted.

Section nine was read and adopted.

Section ten was read.

Mr. Fyan offered the following amendment to Section ten:

Amend by striking out all after the word "suspended" in the second line and inserting, "or surrendered by act of the General Assembly."

which was read and adopted.

522] The question being on the adoption of Section ten as amended, it was adopted.

Section eleven was read.

Mr. Black offered the following amendment to Section eleven:

Amend by striking out the words, "or other," in the first line.

which was read and adopted.

Mr. Shackelford offered the following amendment to Section eleven:

Amend by striking out in the seventh and eighth lines the following words: "by the complainant," and insert in lieu thereof the following words: "by either party."

which was read and rejected.

Mr. Rippey offered the following amendment to Section eleven:

Amend by striking out all after the word "line" in the sixth line.

which was read and adopted.

Mr. Bradfield offered the following amendment to Section eleven:

Amend by inserting after the word "corporation" in the second line the words, "or the individual members thereof."

which was read and rejected.

Mr. Letcher moved to reconsider the vote by which the amendment offered by Mr. Black to Section eleven, striking out the words "or other" in the first line was adopted, which was agreed to.

The question then being on the adoption of the amendment, it was rejected.

Mr. Halliburton moved to reconsider the vote by which the amendment offered by Mr. Rippey to Section eleven was adopted, which was agreed to.

The question being on the adoption of the amendment, it was rejected.

Mr. Johnston of Nodaway offered the following amendment to Section eleven:

Amend by striking out the words, "by the party complainant," in the seventh and eighth lines.

which was read and adopted.

The question recurring on the adoption of Section eleven as amended, it was adopted.

Section twelve was read and adopted.

Section thirteen was read and adopted.

Section fourteen was read.

523] Mr. Crews offered the following amendment to Section fourteen:

Amend by inserting after the word "person" in the second line the following words: "or discriminate in the rate of fare in favor of any person or persons."

which was read and adopted.

Mr. McCabe offered the following amendment to Section fourteen:

Amend by striking out the word "or" in the second line where it last occurs and by adding the following words: "or other person specially engaged in its business."

which was read and rejected.

Mr. Boone offered the following amendment to Section fourteen:

Amend by striking out all after the word "any" in line two, and by adding the words, "officer of this State, member of the General Assembly or Board of Equalization."

which was read.

Mr. Rucker offered the following substitute for Section fourteen as amended:

No railroad, railway or other transportation company, shall grant free passes to any person except officers or employes of the company.

which was read.

The question recurring on the adoption of the amendmend offered by Mr. Boone to Section fourteen, it was rejected.

Mr. Massey offered the following amendment to Section fourteen:

Amend by striking out all after the word "person" in the second line.

which was read and rejected.

Mr. Maxey offered the following amendment to Section fourteen:

Amend by adding the following: "and the General Assembly shall pass laws for enforcing the provisions of this section."

which was read and rejected.

Mr. Lackland offered the following amendment to Section fourteen:

Amend by striking out the words, "or passes at a discount," in the second line.

which was read.

Mr. McAfee moved to lay Section fourteen, pending 524] amendments, and substitute on the table. The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Edwards	Hammond	McAfee	Priest	Shackelford
of Iron	Lackland	McCabe	Ray	11
Farris	Maxey	Pipkin		

NOES

Allen	Crews	Holliday	Letcher	Rucker
Alexander	Crockett	Hyer	Mabrey	Shanklin
Black	Davis	Johnson	Massey	Switzler
Boone	Dysart	of Cole	McKillop	Todd
Bradfield	Fyan	Johnston	Norton	Wagner
Carleton	Gantt	of Nodaway	Rippey	Watkins
Cottey	Halliburton	Lay	Roberts	Mr. President

33

ABSENT

Broadhead	Gottschalk	Mudd	Pulitzer	Shields
Edwards	Mortell	Nickerson	Ross	
of St. Louis			of Polk	

9

ABSENT WITH LEAVE

Adams	Dryden	McKee	Spaunhorst	Taylor
Brockmeyer	Eitzen	Rider	Taylor	of St. Louis
Chrisman	Hale	Ross	of Jasper	
Conway	Hardin	of Morgan		

14

SICK

Wallace 1

Mr. Johnson of Cole offered the following amendment to Section fourteen:

Amend by inserting after the word "company" in the second line the words, "unless the same be given for charitable purposes."

which was read and rejected.

Mr. McAfee offered the following amendment to Section fourteen:

Amend by adding to Section fourteen the words "any person or officer of any railroad company violating the provisions of this section shall forfeit and pay the sum of one hundred dollars to be recovered by indictment or civil action in any county through which such railroad may pass."

which was read.

Mr. Cottey moved that all further debate on Section fourteen and amendments be closed, which was agreed to.

The question recurring on the adoption of the amendment offered by Mr. McAfee to Section fourteen, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Boone	Hyer	Lay	McKillop	Todd	
Bradfield	Johnson	Letcher	Rippey	Mr. President	
Crews	of Cole	Massey	Roberts		
Fyan	Johnston	McAfee	Ross		
	of Nodaway		of Polk		17

NOES

525] Allen	Davis	Gantt	Maxey	Ray	
Alexander	Dysart	Halliburton	McCabe	Rucker	
Black	Edwards	Hammond	Norton	Shackelford	
Carleton	of Iron	Lackland	Pipkin	Shanklin	
Cottey	Farris	Mabrey	Priest	Switzler	
Crockett				Watkins	26

ABSENT

Broadhead	Gottschalk	Mortell	Nickerson	Shields	
Edwards	Holliday	Mudd	Pulitzer	Wagner	
of St. Louis					10

ABSENT WITH LEAVE

Adams	Dryden	Hardin	Ross	Taylor	
Brockmeyer	Eitzen	McKillop	of Morgan	of Jasper	
Chrisman	Hale	Rider	Spaunhorst	Taylor	
Conway				of St. Louis	
					14

SICK

Wallace 1

On motion of Mr. McCabe the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

Mr. Letcher presented a petition from the citizens of Lafayette county urging a reduction of taxation, especially school taxation.

Mr. Letcher moved that the rules be suspended, reading dispensed with, and the petitions be entered on the journal by their titles and laid on the table, which was agreed to.

The President announced the following special committee to which was referred Section seven of Article — — — on Railroads of the report of the Committee on Banks and Corporations: Roberts, Crews, Letcher, Gantt, Lay.

The Convention resumed the consideration of Section fourteen of Article — — —on Railroads of the report of the Committee on Banks and Corporations.

Mr. Hammond offered the following amendment to Section fourteen:

Amend by adding the following words: "ministers of the Gospel and children."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Crews	Letcher	Norton	Rucker
Allen	Davis	Massey	Priest	Shackelford
Alexander	Halliburton	Maxey	Rippey	Wagner
Carleton	Hammond	McAfee	Ross	Watkins
Cottey	Lackland	McCabe	of Polk	

23

NOES

526] Black	Edwards	Gantt	Mabrey	Roberts
Boone	of Iron	Holliday	McKillop	Todd
Bradfield	Farris	Hyer	Mortell	Mr. President
Crockett	Fyan	Johnston	Ray	
		of Nodaway		18

ABSENT

Broadhead	Gottschalk	Lay	Pipkin	Shields
Dysart	Johnson	Mudd	Pulitzer	Switzler
Edwards	of Cole	Nickerson	Shanklin	13
of St. Louis				

ABSENT WITH LEAVE

Brockmeyer	Eitzen	Rider	Spaunhorst	Taylor
Chrisman	Hale	Ross	Taylor	of St. Louis
Conway	Hardin	of Morgan	of Jasper	13
Dryden	McKee			

SICK

Wallace

Mr. Boone offered the following amendment to the substitute offered by Mr. Rucker for Section fourteen:

Amend by inserting after the word "passes" the following words: "or passes at a discount."

which was read.

Mr. Black offered the following amendment to Section fourteen:

Amend by striking out all after the words "no railroad" in first line and insert the following words: "or other transportation company, shall grant free passes or tickets, or passes or tickets at a discount to members of the General Assembly, or any State or county officer; and the acceptance of any such pass or ticket by a member of the General Assembly or such officer shall be a forfeiture of his office."

which was read.

Mr. Holliday offered the following amendment to the amendment offered by Mr. Black:

Amend by adding after the words "General Assembly" whenever they occur the following words: "or members of the Board of Equalization."

which was read and adopted.

Mr. Boone offered the following amendment to the amendment offered by Mr. Black:

Amend by inserting after the word "county" the words "or municipal."

which was read and adopted.

The question recurring on the adoption of the amendment offered by Mr. Black as amended, and the ayes and noes being demanded by five members, the amendment as amended was adopted by the following vote:

AYES

Adams	Davis	Johnston	McKillop	Rucker
Allen	Farris	of Nodaway	Mortell	Shackelford
Alexander	Fyan	Lackland	Norton	Shanklin
Black	Gantt	Lay	Priest	Wagner
Boone	Hammond	Mabrey	Ray	Watkins
Bradfield	Holliday	Massey	Rippey	Mr. President
Carleton	Hyer	Maxey	Roberts	39
Cottey	Johnson	McAfee	Ross	
Crockett	of Cole	McCabe	of Polk	

NOES

527] Crews	Edwards of Iron	Halliburton	Letcher	Todd	5

ABSENT

Broadhead	Gottschalk	Nickerson	Pulitzer	Shields	
Dysart	Mudd	Pipkin	Rider	Switzler	10

ABSENT WITH LEAVE

Brockmeyer	Edwards	Hardin	Spaunhorst	Taylor	
Chrisman	of St. Louis	McKee	Taylor	of St. Louis	
Conway	Eitzen	Ross	of Jasper	Wallace	
Dryden	Hale	of Morgan			14

Mr. Boone, by unanimous consent, withdrew his amendment to the substitute offered by Mr. Rucker for Section fourteen.

Mr. Rucker then, by unanimous consent, withdrew his substitute.

The question recurring on the adoption of Section fourteen as amended by the amendment offered by Mr. Black, it was adopted.

Section fifteen was read.

Mr. Gantt offered the following amendment to Section fifteen:

Amend by striking out all after the word "company" in the first line down to and including the word "nor" in the third line, and by adding after the word "shall" in the fourth line the word "have."

which was read.

Mr. Cottey moved to lay Section fifteen and pending amendment on the table, which was agreed to.

Mr. Crews offered the following proposed new section to the report of the Committee on Banks and Corporations:

Section—. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property or for other causes, different from those fixed by general laws regulating actions against natural persons; and such acts now existing are voided.

which was read.

The ayes and noes being demanded by five members, the proposed new section was rejected by the following vote:

AYES

528] Boone	Fyan	Hyer	McAfee	Watkins
Carleton	Halliburton	Letcher	Wagner	Mr. President
Crews	Hammond	Mabrey		13

NOES

Adams	Dysart	Johnston	Mortell	Ross
Allen	Edwards	of Nodaway	Norton	of Polk
Alexander	of Iron	Lackland	Priest	Rucker
Black	Gantt	Lay	Ray	Shackelford
Bradfield	Holliday	Massey	Rider	Shanklin
Cottey	Johnson	McCabe	Rippey	Switzler
Davis	of Cole	McKillop	Roberts	Todd 31

ABSENT

Broadhead	Farris	Maxey	Nickerson	Pulitzer
Crockett	Gottschalk	Mudd	Pipkin	Shields 10

ABSENT WITH LEAVE

Brockmeyer	Edwards	Hardin	Spaunhorst	Taylor
Chrisman	of St. Louis	McKee	Taylor	of St. Louis
Conway	Eitzen	Ross	of Jasper	Wallace
Dryden	Hale	of Morgan		14

Mr. Rippey offered the following proposed new section:

Whenever a corporation for the transaction of any business for profit shall become insolvent or in failing circumstances, it shall cease to do business till its solvency is restored. The creation of any indebtedness after such insolvency except by the unanimous consent of the directors or managers shall be declared a misdemeanor and may be punished as directed by law, and each manager or director shall be held personally responsible for all debts created by and with his consent after such insolvency.

which was read.

Mr. Johnson of Cole moved to lay the proposed new section offered by Mr. Rippey on the table, which was agreed to.

Article———on Banks was taken up.

Section one was read and adopted.

Section two was read and adopted.

Section three was read.

Mr. Wagner offered the following amendment to Section three:

Amend by adding "and for all liabilities due at the time of the transfer of his or her stock."

which was read.

Mr. Lackland moved to lay Section three and pending amendments on the table. The ayes and noes being de-
529] manded by five members, the motion to lay on the table was agreed to by the following vote:

AYES

Adams	Davis	Holliday	Lay	Shackelford	
Black	Edwards of Iron	Johnson of Cole	Mabrey	Shanklin	
Boone	Gantt	Johnston of Nodaway	McAfee	Todd	
Bradfield	Halliburton	Lackland	Pipkin	Watkins	
Cottey	Hammond	Rider	Ray		25
Crockett					

NOES

Alexander	Fyan	McCabe	Priest	Rucker	
Carleton	Hyer	McKillop	Rippey	Wagner	
Crews	Letcher	Mortell	Roberts	Mr. President	
Dysart	Massey	Norton	Ross of Polk		19

ABSENT

Allen	Farris	Maxey	Nickerson	Shields	
Broadhead	Gottschalk	Mudd	Pulitzer	Switzler	
Edwards of St. Louis					11

ABSENT WITH LEAVE

Brockmeyer	Dryden	Hardin	Spaunhorst	Taylor of St. Louis	
Chrisman	Eitzen	McKee	Taylor of Jasper		
Conway	Hale	Ross of Morgan			12

SICK

Wallace	1

Section four was read.

Mr. Todd offered the following amendment to Section four:

Amend by striking out all after "Section four" down to the word "every" in line two.

which was read.

Mr. Norton offered the following amendment to the paragraph proposed to be stricken out of Section four by the amendment offered by Mr. Todd:

Amend by striking out the words "banking institutions" in the first line and insert "banks of issue."

which was read.

Mr. Gantt moved to lay Section four and pending amendments on the table, which was agreed to.

Section five was read.

Mr. Gantt moved to lay Section five on the table, which was agreed to.

Section six was read.

Mr. Mortell offered the following amendment to Section six:

Amend by striking out all after the word "assent" in the sixth line.

which was read and agreed to.

The question being on the adoption of Section six as amended, it was adopted.

Mr. Shanklin moved to reconsider the vote by which Section two of Article———on Banks and Corporations **530**] was adopted, which was not agreed to.

On motion of Mr. Norton, Sections eight and twelve of the report of the Committee on Education, laid over informally, were taken up.

Section eight was read.

Mr. Norton moved to lay Section eight on the table, which was agreed to.

Section twelve was read.

Mr. Johnson of Cole offered the following amendment to Section twelve:

Amend by striking out all after the word "district" in the fourth line.

which was read.

Mr. Adams moved to lay Section twelve and pending amendments on the table, which was agreed to.

Mr. Todd offered the following as a new section to the report of the Committee on Education:

Section —. There shall be taught in the free public schools of the State, at the State's expense, only the following studies: spelling, reading and writing in the English language and English grammar, arithmetic, geography and the history of the United States; but other additional studies may be taught in the same school house, if without any State expense therefor.

which was read.

Mr. Halliburton in the chair.

Mr. Eitzen moved to lay the proposed new section offered by Mr. Todd on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES

Allen	Crews	Halliburton	McAfee	Shanklin	
Alexander	Davis	Hammond	McCabe	Switzler	
Black	Dysart	Johnson	McKillop	Mr. President	
Boone	Eitzen	of Cole	Norton		26
Brockmeyer	Farris	Lackland	Rider		
Cottey	Fyan	Lay	Roberts		

NOES

Adams	Gantt	Mabrey	Rippey	Todd	
Bradfield	Hyer	Massey	Ross	Wagner	
Carleton	Johnston	Pipkin	of Polk	Wallace	
Edwards	of Nodaway	Priest	Rucker	Watkins	
of Iron	Letcher	Ray	Shackelford		21

ABSENT

Broadhead	Gottschalk	Maxey	Mudd	Pulitzer	
Crockett	Holliday	Mortell	Nickerson	Shields	10

ABSENT WITH LEAVE

531]Chrisman	Edwards	Hardin	Spaunhorst	Taylor	
Conway	of St. Louis	McKee	Taylor	of St. Louis	
Dryden	Hale	Ross	of Jasper		11
		of Morgan			

Mr. Switzler offered the following as a new section to the report of the Committee on Education:

Section —. In case the public school fund shall be insufficient to sustain a free public school at least four months in every year in each school district in this State, the General Assembly shall provide by law for supplying the deficiency by levying a tax on all the taxable property within such school district.

which was read.

Mr. Fyan offered the following amendment to the proposed new section:

Amend by striking out the words, "by levying a tax on all taxable property within such school district."

which was read.

Mr. Cottey offered the following substitute for the proposed new section:

Section —. In case the public school fund shall be insufficient to sustain a free public school at least four months in every year in each school district in this State, the General Assembly may provide by law for the raising of such deficiency by levying a tax on all the taxable property in each county, township or school district as they may deem proper.

which was read.

On motion of Mr. Massey the Convention adjourned until 8 o'clock a. m. tomorrow.

532] TUESDAY, JULY 20, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

Mr. Wallace from the Committee on Miscellaneous Provisions submitted the following report:

Mr. President:

The Committee on Miscellaneous Provisions of the Constitution have according to order had the same under consideration and have directed me to report the following and to recommend the adoption thereof.

H. C. Wallace, *Chairman.*

ARTICLE ———

Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to the persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

Section 2. All statute laws of this State now in force, not inconsistent with this Constitution, shall continue in force until they shall expire by their own limitation, or be amended or repealed by the General Assembly; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue; and all indictments which shall have been found, or may hereafter be found for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place except as hereinafter specified.

Section 3. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act by him done, **per-533**] formed, or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him or in pursuance of orders from any person vested with such authority by the government of the United States or of this State or of late Confederate states or any of them to do such act. And if any action or proceeding shall have been or shall hereafter be instituted against any person for the doing of any such act the defendant may plead this section in bar thereof.

Section 4. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

Section 5. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State.

Section 6. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official term and until their successors shall be duly elected or appointed and qualified.

Section 7. All officers, both civil and military, under the authority of this State shall, before entering on the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

Section 8. The compensation of no State, county or municipal officer shall be increased during his term of office.

Section 9. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

Section 10. No clerk of any court established by this Constitution or by any law of this State shall apply to his own use from the fees and 534] emoluments of his office a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary and may allow, but all surplus of such fees and emoluments over that sum after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

Section 11. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first term ineligible for re-election for another term.

Section 12. The General Assembly at its first session or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full effect.

which was read and on motion laid over informally and two hundred copies ordered printed.

Mr. Brockmeyer presented a memorial from the citizens of Pettis in relation to embodying a provision in the Constitution securing to every head of a family a homestead and personal property not less in value than now prescribed by law, and exempting the same from all taxes, except for the support of free schools, which was read and on motion laid on the table.

Mr. McKee presented a memorial from the citizens of Montgomery county in relation to making the present school system conform as near as possible to the system in force prior to the year 1860, which was read and on motion laid on the table.

The Convention resumed the consideration of the new section offered by Mr. Switzler to the report of the Committee on Education and the amendment offered by Mr. Fyan to the new section pending at adjournment.

Vice-President Watkins in the chair.

Mr. Priest moved that all debate close on pending 535] proposition, which was agreed to.

On motion of Mr. Johnson of Cole leave of absence was granted Mr. Lay.

The question recurring on the adoption of the amendment offered by Mr. Fyan, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Alexander	Edwards	Holliday	Maxey	Ross
Boone	of St. Louis	Hyer	McAfee	of Polk
Bradfield	Eitzen	Johnson	McKillop	Watkins
Brockmeyer	Fyan	of Cole	Priest	Mr. President
Crockett	Halliburton	Mabrey	Ray	25
Dysart	Hammond	Massey	Roberts	

NOES

Adams	Crews	Johnston	Mortell	Shanklin
Allen	Davis	of Nodaway	Norton	Switzler
Black	Edwards	Lackland	Pipkin	Todd
Carleton	of Iron	Letcher	Pulitzer	Wagner
Chrisman	Gantt	McCabe	Rucker	Wallace
Cottey		McKee	Shackelford	26

ABSENT

Broadhead	Gottschalk	Nickerson	Rippey	
Farris	Mudd	Rider	Shields	8

ABSENT WITH LEAVE

Dryden	Hardin	Ross	Taylor	Taylor
Hale	Lay	of Morgan	of Jasper	of St. Louis
		Spaunhorst		8

EXCUSED

Conway 1

Mr. Norton offered the following amendment to the proposed new section:

Amend the new section by striking out all after the word "fund" in the first line and insert the following words: "now provided and set apart by law for the support of free public schools shall be insufficient to sustain a free school at least four months in every year in each school district in this State. The General Assembly may provide for raising such deficiency in accordance with Section thirteen of the Article on Revenue and Taxation."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

536] Adams	Crews	Hammond	McKee	Ross
Allen	Davis	Hyer	McKillop	of Polk
Alexander	Dysart	Johnston	Mortell	Rucker
Boone	Edwards	of Nodaway	Norton	Shackelford
Bradfield	of Iron	Lackland	Pipkin	Shanklin
Brockmeyer	Eitzen	Letcher	Pulitzer	Switzler
Carleton	Fyan	Mabrey	Ray	Wagner
Conway	Gantt	McAfee	Rider	Watkins
Cottey	Halliburton	McCabe	Roberts	Mr. President

42

NOES

Black	Crockett	Priest	Wallace	7
Chrisman	Massey	Todd		

ABSENT

Broadhead	Farris	Johnson	Mudd	Shields
Edwards	Gottschalk	of Cole	Nickerson	11
of St. Louis	Holliday	Maxey	Rippey	

ABSENT WITH LEAVE

Dryden	Lay	Spaunhorst	Taylor	
Hale	Ross	Taylor	of St. Louis	
Hardin	of Morgan	of Jasper		8

By unanimous consent, Mr. Cottey withdrew his substitute for the new section.

Mr. Fyan offered the following amendment to the proposed new section as amended:

Amend by adding to the new section the following: "but in no case shall there be set apart less than twenty-five per cent of the State revenue, exclusive of the interest and sinking fund to be applied annually to the support of the public schools."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Allen	Edwards	Johnston	Priest	Shackelford
Alexander	of Iron	of Nodaway	Pulitzer	Shanklin
Boone	Edwards	Mabrey	Ray	Switzler
Bradfield	of St. Louis	Maxey	Rippey	Watkins
Brockmeyer	Eitzen	McAfee	Roberts	Mr. President
Carleton	Fyan	McCabe	Ross	
Conway	Halliburton	McKillop	of Polk	33
Cottey	Hammond	Norton	Rucker	

NOES

Adams	Crockett	Hyer	McKee	Todd	
Black	Davis	Lackland	Mortell	Wallace	
Chrisman	Dysart	Letcher	Pipkin		
Crews	Gantt	Massey	Rider		18

ABSENT

Broadhead	Gottschalk	Johnson	Mudd	Shields	
Farris	Holliday	of Cole	Nickerson	Wagner	9

ABSENT WITH LEAVE

537] Dryden	Hardin	Ross	Taylor	Taylor	
Hale	Lay	of Morgan	of Jasper	of St. Louis	
		Spaunhorst			8

The question recurring on the adoption of the proposed new section offered by Mr. Switzler as amended, and the ayes and noes being demanded by five members, the new section was adopted by the following vote:

AYES

Allen	Edwards	Johnston	Pulitzer	Shanklin	
Alexander	of Iron	of Nodaway	Ray	Switzler	
Boone	Edwards	Mabrey	Rider	Todd	
Bradfield	of St. Louis	Maxey	Rippey	Wagner	
Brockmeyer	Eitzen	McAfee	Roberts	Mr. President	
Carleton	Fyan	McCabe	Ross		
Conway	Halliburton	McKillop	of Polk		33
Cottey	Hammond	Norton	Rucker		

NOES

Adams	Crockett	Hyer	McKee	Shackelford	
Black	Davis	Lackland	Mortell	Wallace	
Chrisman	Dysart	Letcher	Pipkin	Watkins	
Crews	Gantt	Massey	Priest		19

ABSENT

Broadhead	Gottschalk	Johnson	Mudd	Shields	
Farris	Holliday	of Cole	Nickerson	Spaunhorst	9

ABSENT WITH LEAVE

Dryden	Hardin	Ross	Taylor	Taylor	
Hale	Lay	of Morgan	of Jasper	of St. Louis	
					7

On motion of Mr. Alexander the report of the Committee on Education was referred to the Committee on Revision with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

On motion of Mr. Norton the report of the Special Committee to which was referred Section five of the report of the Committee on Boundaries and Political Subdivisions, was taken up.

The question being on the adoption of the substitute for Section five as reported by the Committee, it was adopted. Section five as amended by the substitute was then adopted.

On motion of Mr. Norton the report of the Committee on Boundaries and Political Subdivisions was referred to the **538**] Committee on Revision with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

On motion of Mr. Norton the report of the Committee on Executive and Ministerial Officers of County and Municipal Government, was taken up.

Mr. Adams offered the following substitute for the report of the committee:

COUNTY OFFICERS

ARTICLE———

Section 1. There shall be elected by the qualified voters in each county at the time of electing Representatives, a sheriff and coroner. They shall serve for two years and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office or other cause. Before entering on the duties of their offices they shall give security for such amount and in such manner as may be prescribed by law. Whenever a new county shall be established the Governor shall appoint a sheriff and a coroner who shall continue in office until the next ensuing general election, and until a successor shall be duly elected and qualified.

Section 2. Vacancies in the office of sheriff or coroner shall be filled in such manner as is or may be directed by law.

Section 3. Except as otherwise directed by this Constitution, the General Assembly shall provide for such other county, township and municipal officers as public convenience may require. The terms of

office, their manner of election or appointment and their duties shall be prescribed by law.

which was read.

Mr. Wagner moved that the substitute be taken up and considered section by section, which was agreed to.

Section one was read.

Mr. Halliburton offered the following amendment to Section one:

539] Amend substitute by adding to the first section as follows: "*Provided*, that no person shall be eligible to the office of sheriff for more than two terms of office in any six years."

which was read and agreed to.

The question recurring on the adoption of Section one of the substitute as amended, it was adopted.

Section two was read.

Mr. Wallace offered the following amendment to Section two of the substitute as amended:

Whenever a vacancy shall happen in the office of sheriff or coroner the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

which was read.

On motion of Mr. Shanklin the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the President in the chair.

By unanimous consent, Mr. Adams withdrew the substitute offered by him for the report of the Committee on

Executive and Ministerial Officers of County and Municipal Government.

The report of the Committee on Executive and Ministerial Officers of County and Municipal Government, was 540] taken up and considered section by section.

Section one was read.

Mr. Shanklin offered the following substitute for Section one of the report of the Committee:

There shall be elected by the qualified voters in each county, at the time and places of electing Representatives, a sheriff and a coroner. They shall serve for two years and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be ineligible four years in any period of eight years. Before entering on the duties of their office, they shall give security in such amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election and until a successor shall be duly elected and qualified.

which was read.

Mr. Alexander offered the following amendment to Section one:

Amend by striking out the word "fifteen" in the third line and insert the word "twenty-five" in lieu thereof.

which was read and rejected.

Mr. Adams offered the following amendment to Section one:

Amend Section one by striking out all after the words "circuit court" in the second line down to and including the word "deeds" in the fourth line.

which was read and adopted.

Mr. Norton offered the following amendment to Section one:

Amend by striking out the words "who shall also be collector, except as otherwise provided by law" where they occur in the fourth and fifth lines.

which was read and adopted.

Mr. Ross of Polk offered the following amendment to Section one:

541] Amend by striking out all after the words "circuit court" in the second line and insert in lieu thereof the following: "sheriff, treasurer and coroner."

which was read and adopted.

The question recurring on the adoption of the substitute offered by Mr. Shanklin for Section one, it was adopted.

Mr. Bradfield offered the following amendment to the substitute:

Amend the substitute by adding after the word "sheriff" in the second line the words "a treasurer."

which was read and adopted.

Mr. Dysart moved to lay Section one as amended by the substitute on the table. The motion to lay on the table was rejected.

Mr. Fyan moved to reconsider the vote by which the amendment offered by Mr. Bradfield to the substitute was adopted, which was agreed to.

The question being on the adoption of the amendment, it was rejected.

Mr. Halliburton offered the following amendment to the substitute:

Amend the substitute by striking out of the fifth line the words, "ineligible four years in any period of eight" and insert in lieu thereof the words "eligible only four years in any period of six."

which was read and adopted.

Section one as amended by the substitute was then adopted.

Section two was read and on motion of Mr. McCabe laid on the table.

Section three was read and on motion of Mr. Lackland laid on the table.

Section four was read and on motion of Mr. Dysart laid on the table.

Section five was read and on motion of Mr. Lackland laid on the table.

Section six was read and on motion of Mr. Alexander laid on the table.

Section seven was read and on motion of Mr. McCabe laid on the table.

Section eight was read and on motion of Mr. Hammond laid on the table.

542] Section nine was read and on motion of Mr. McCabe laid on the table.

Section ten was read and adopted.

Section eleven was read.

Mr. Adams offered the following amendment to Section eleven:

Amend by inserting after the word "adopted" the words, "or may adopt".

which was read and rejected.

Mr. Eitzen moved to lay Section eleven on the table, which was not agreed to.

Mr. Shanklin offered the following amendment to Section eleven:

Amend Section eleven by striking out all after the word "Constitution" in the tenth line.

which was read and adopted.

Mr. Switzler in the chair.

The question recurring on the adoption of Section eleven as amended, and the ayes and noes being demanded by five members, the section was adopted by the following vote:

AYES

Alexander	Dysart	Lackland	Mudd	Switzler	
Bradfield	Fyan	Letcher	Pulitzer	Todd	
Brockmeyer	Hammond	McAfee	Ray	Wagner	
Carleton	Holliday	McCabe	Rider	Wallace	
Cottey	Johnston	McKee	Rucker		
Crews	of Nodaway	McKillop	Shanklin		27

NOES

Adams	Crockett	Gantt	Massey	Ross	
Allen	Edwards	Halliburton	Norton	of Polk	
Black	of Iron	Hyer	Pipkin	Shackelford	
Boone	Edwards	Johnson	Priest	Watkins	
Chrisman	of St. Louis	of Cole	Rippey	Mr. President	
Conway	Eitzen	Mabrey	Ross		
			of Morgan		25

ABSENT

Broadhead	Farris	Maxey	Nickerson	Shields	
Davis	Gottschalk	Mortell	Roberts		9

ABSENT WITH LEAVE

Dryden	Hardin	Spaunhorst	Taylor	
Hale	Lay	Taylor of Jasper	of St. Louis	7

543] Mr. Wallace offered the following as a new section to the report of the Committee on Executive and Ministerial Officers of County and Municipal Government:

Section 2. Whenever a vacancy shall happen in the office of sheriff or coroner the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

which was read and adopted.

Mr. Wallace offered the following as a new section to the report of the Committee:

In all elections for sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than any other person, the presiding judge of the county court of the county shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit court of the proper county in such manner as the General Assembly may by law prescribe.

which was read and on motion of Mr. Gantt laid on the table.

On motion of Mr. Gantt, Sections five, six, seven, eight, nine, ten and eleven of the report of the minority of the Committee on Executive and Ministerial Officers of County and Municipal Government were taken up and offered as new sections.

Section five was read and adopted.

On motion of Mr. Shanklin, Sections six, seven, eight, nine, ten and eleven were referred to the St. Louis Delegation.

544] Mr. Crews offered the following as a new section:

The General Assembly may by general laws provide for the incorporation and government of towns and cities having a population less than five thousand, but no such town or city shall be incorporated unless the people thereof by a direct vote upon the question shall have decided in favor of such incorporation. Any city now incorporated, having a population exceeding five thousand, shall have the power to amend, alter or frame anew its organic law in such manner as may be provided for by the ordinances of such city, which, when so amended, altered or framed and submitted to a vote of the qualified voters of such city, and adopted by a majority of such voters, shall be the charter of such city. *Provided*, that the provisions thereof shall not be inconsistent with this Constitution or any statute laws of this State. The General Assembly shall pass general laws providing for and enabling cities having a population exceeding five thousand to become incorporated by framing charters for their own government, but shall not hereafter pass any special act creating municipal corporations or changing, altering or amending the charter of any city.

which was read and on motion referred to the St. Louis Delegation.

Mr. Gantt offered the following as a new section:

The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make returns monthly to the county court of all fees by him received and of the salaries by him actually paid to his deputies or assistants, stating the same in detail and verifying the same by his affidavit, and for any statement or omission in such return contrary to truth such officer shall be liable to the penalties of wilful and corrupt perjury.

which was read.

545] Mr. Adams offered the following amendment to the proposed section:

Amend by striking out the word "monthly" and insert in lieu thereof the word "quarterly."

which was read and adopted.

The question recurring on the adoption of the new section as amended, it was adopted.

Mr. Holliday offered the following as a new section:

No office, abolished by the operation of any provisions of this Constitution, shall be vacated nor shall the term of office of any person holding the same be abridged by reason of the adoption of this Constitution, but all such persons shall continue to perform the duties of such offices until their term of office expires as now provided by law.

which was read and on motion referred to the Committee on Schedule.

By unanimous consent, the vote by which Section five of the minority report was adopted, was reconsidered and on motion of Mr. Gantt Section five was referred to the St. Louis Delegation.

Mr. Letcher from the Committee on Revenue and Taxation submitted the following report:

Mr. President:

The Committee on Revenue and Taxation to which was referred Section fourteen of the Article on Revenue and Taxation with pending amendments has instructed me to report the same back to the Convention with the accompanying substitute therefor.

Letcher, *Chairman.*

Section 14. No county, city, town, township, school district or other political corporation or subdivision of the State shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including **546**] existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness; *provided*, that with such assent any county may be allowed to become indebted for the erection of a court house and jail to an amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property, therein as aforesaid; *and provided further*, that any county, city, town, township, school district or other political corporation or subdivision of the State incurring any indebtedness requiring the assent of voters as aforesaid shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for payment of the principal thereof within twenty years from the time of contracting the same.

which was read.

Mr. Gantt offered the following substitute for the new section reported by the Committee on Revenue and Taxation:

Section 14. The debt of no county, including the debt of any city, town or municipal subdivision therein shall exceed in the aggregate five per centum of the value of the taxable property therein to be ascertained by the assessment next before the last assessment for State purposes, except that an additional debt not exceeding————per centum of such taxable property may be incurred to replace public buildings destroyed by casualty.

Section 15. No county, city, town or other municipal subdivision of this State shall make any addition to its bonded debt within the limitation declared in the next preceding section, unless two-thirds of the qualified voters of such county, city, town or other municipal subdivision **547**] shall at a special election at which no other question shall be submitted to them, declare in favor of making such addition, and at the same time direct the imposition on their property of a tax sufficient to provide for the payment of the interest together with the extinguishment of the principal of the proposed debt within a period not exceeding twenty years from the time of its contracting.

Section 16. If any county, city or other municipal subdivision of this State shall have already exceeded the limit of indebtedness prescribed in Section fourteen of this article, such county, city or other municipal subdivision shall incur no new debt whatever, until its debt be reduced below the limit so prescribed, except that the corporate authorities or persons having charge of the affairs of such county, city or municipal subdivision may, in anticipation of the receipt of the customary annual revenue thereof, appropriate during any fiscal year a sum not exceeding three-fourths of the entire revenue applicable to general legislative purposes, exclusive of revenue applicable to the payment of the bonded debt of such county, city or other municipal subdivision that was actually raised by taxation and received during the preceding year.

which was read.

On motion of Mr. Shanklin the new section as reported by the Committee on Revenue and Taxation and the substitute offered by Mr. Gantt were laid over informally and one hundred and fifty copies ordered printed.

Mr. Norton moved that Section four of the report of the Committee on Revenue and Taxation be laid on the table, which was agreed to.

Mr. Letcher moved to reconsider the vote by which Section eight of the report of the Committee on Revenue and Taxation was adopted, which was agreed to.

Mr. Letcher offered the following amendment to Section eight:

Amend by striking out the words, "railroad bonded indebtedness", in the first and second lines and insert in lieu thereof the words, "bonded 548] debt."

which was read and adopted.

Section eight as amended was then adopted.

Mr. Letcher from the Committee on Revenue and Taxation submitted the following report:

Mr. President:

The Committee on Revenue and Taxation having duly considered the section proposed by Mr. Hale with the amendment offered by Mr. Lay in relation to the taxing of bonds, bills and notes, has instructed me to report the same back to the Convention with the accompanying section as a substitute but without any recommendation:

Section—. The General Assembly shall provide that in suits or proceedings to enforce bonds, bills or notes for the payment of money, no recovery shall be had until all taxes due thereon shall have been paid.

which was read and on motion laid on the table.

Mr. Gantt offered the following as a new section to the report of the Committee on Revenue and Taxation:

The General Assembly shall have power to exempt from taxation all bonds of the State or any municipality thereof that may be hereafter issued.

which was read.

Mr. McCabe moved to lay the proposed section on the table.

The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES

Adams	Crockett	Holliday	McCabe	Shackelford	
Allen	Dysart	Hyer	McKillop	Shanklin	
Alexander	Edwards	Letcher	Norton	Spaunhorst	
Black	of Iron	Mabrey	Priest	Switzler	
Boone	Eitzen	Massey	Ray	Wagner	
Carleton	Fyan	Maxey	Rippey	Wallace	
Crews	Halliburton	McAfee	Roberts	Watkins	34

NOES

549] Bradfield	Edwards	Lackland	Rider	Taylor
Brockmeyer	of St. Louis	McKee	Ross	of St. Louis
Chrisman	Gantt	Mudd	of Morgan	Todd
Conway	Hammond	Pipkin	Ross	Mr. President
Cottey	Johnston	Pulitzer	of Polk	21
	of Nodaway		Rucker	

ABSENT

Broadhead	Farris	Johnson	Mortell	Shields
Davis	Gottschalk	of Cole	Nickerson	8

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Taylor
				of St. Louis
				5

Mr. Dysart offered the following as a new section to the report on Revenue and Taxation:

The General Assembly shall designate a certain time when the State revenue shall be paid and may provide by general law a rebate for all payments made prior to such time by fixing a reasonable rate of interest therefor. The General Assembly shall not impose any penalty for the nonpayment of revenue exceeding ten per cent interest per annum for the period of one year. This section shall not apply to any provision for the redemption of property sold for nonpayment of taxes.

which was read and on motion of Mr. Boone laid on the table.

On motion of Mr. Norton the Convention adjourned until tomorrow 8 o'clock a. m.

WEDNESDAY, JULY 21, 1875

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

The journal of yesterday was read and approved.

Mr. Edwards of St. Louis offered the following resolution:

Whereas, The Atlantic & Pacific Railroad of Missouri at the time of the sale to it, by the State of Missouri, of the South Pacific Railroad, promised and agreed, among other conditions of said sale, to pay to the

State, through the treasurer thereof, the sum of three hundred thousand dollars in installments as follows: one hundred thousand dollars on or before the first day of June, 1874, one hundred thousand dollars on or
552] before the first day of June, 1875, and one hundred thousand dollars on or before the first day of June, 1876;

And Whereas, The amounts so due on the first day of June, 1874, and 1875, remain wholly unpaid; Therefore, Resolved, That a committee of five be appointed by the President whose duty shall be to inquire into and recommend to this Convention what action is necessary to be taken in order that the State may secure and recover from said company the amount so due and remaining unpaid.

which was read.

On motion of Mr. Watkins leave of absence was granted Mr. President.

The ayes and noes being demanded by five members, the resolution was adopted by the following vote:

AYES

Allen	Dysart	Johnson	McKillop	Rucker	
Black	Edwards	of Cole	Mortell	Shanklin	
Boone	of Iron	Johnston	Mudd	Spaunhorst	
Bradfield	Edwards	of Nodaway	Pipkin	Taylor	
Carleton	of St. Louis	Lackland	Priest	of Jasper	
Chrisman	Eitzen	Letcher	Ray	Taylor	
Conway	Fyan	Mabrey	Rippey	of St. Louis	
Cottey	Halliburton	Maxey	Roberts	Watkins	
Crews	Hammond	McAfee	Ross		41
Crockett	Hyer	McKee	of Morgan		

NOES

Adams	McCabe	Ross	Shackelford	Wagner	
Gantt	Norton	of Polk	Todd	Wallace	10
Massey					

ABSENT

Alexander	Davis	Holliday	Rider	Mr. President
Broadhead	Farris	Nickerson	Switzler	12
Brockmeyer	Gottschalk	Pulitzer		

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Shields	5

The Convention resumed the consideration of Article ———of the report of the Committee on Executive and Ministerial Officers of County and Municipal Government.

*Pages 550 and 551 of the original Journal are left blank.

Mr. Adams offered the following as a new section:

Section—. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require and their terms of office and duties shall be prescribed by law.

which was read.

In pursuance of the resolution offered by Mr. Edwards of St. Louis, the President announced the following Special Committee: Edwards of St. Louis, Letcher, Fyan, Roberts, Spaunhorst.

553] Mr. Crews offered the following amendment to the new section offered by Mr. Adams:

Amend by adding, "provided that no term of office shall exceed four years."

which was read and adopted.

The question recurring on the adoption of the new section as amended, it was adopted.

On motion of Mr. Norton the report of the Committee on Executive and Ministerial Officers of County and Municipal Government was laid over informally, and the report of the Committee on the Future Manner of Amending the Constitution was taken up.

Section one was read and adopted.

Section two was read.

Mr. Wagner offered the following substitute for Section two:

Section—. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published weekly in some newspaper, if such there be, within each county in the State for four consecutive weeks next preceding the general election then next ensuing, and if in the General Assembly next afterwards chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the Secretary of State shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendment shall be submitted to the qualified electors of the State in such manner, and at such time, at least three

months after being so agreed by the two houses as the General Assembly shall prescribe; and if such amendment or amendments shall be approved by a majority of those voting thereon such amendment or amendments shall become a part of the Constitution. When two or more amend-
554] ments shall be submitted they shall be voted upon separately.

which was read.

Mr. Hammond moved the previous question, which was ordered.

The question being on the adoption of the substitute offered by Mr. Wagner, and the ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Wagner	Mudd	Massey	3

NOES

Adams	Crockett	Holliday	McKillop	Shackelford
Allen	Davis	Hyer	Mortell	Shanklin
Alexander	Dysart	Johnson	Norton	Shields
Black	Edwards	of Cole	Pipkin	Spaunhorst
Boone	of Iron	Johnston	Priest	Switzler
Bradfield	Edwards	of Nodaway	Pulitzer	Taylor
Brockmeyer	of St. Louis	Lackland	Ray	of Jasper
Carleton	Eitzen	Letcher	Rider	Taylor
Chrisman	Fyan	Mabrey	Rippey	of St. Louis
Conway	Gantt	Maxey	Roberts	Todd
Cottey	Halliburton	McAfee	Ross	Wallace
Crews	Hammond	McCabe	of Polk	Watkins
		McKee	Rucker	55

ABSENT

Broadhead	Farris	Gottschalk	Nickerson	Ross of Morgan
				5

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Mr. President
				5

The question recurring on the adoption of Section two, and the ayes and noes being demanded by five members, Section two was adopted by the following vote:

AYES

Adams	Crockett	Johnston	Pipkin	Switzler	
Allen	Dysart	of Nodaway	Priest	Taylor	
Alexander	Edwards	Lackland	Pulitzer	of Jasper	
Black	of Iron	Letcher	Ray	Taylor	
Boone	Eitzen	Mabrey	Rider	of St. Louis	
Bradfield	Fyan	Maxey	Rippey	Todd	
Brockmeyer	Gantt	McAfee	Ross	Wagner	
Carleton	Halliburton	McKee	of Polk	Wallace	
Chrisman	Hammond	McCabe	Rucker	Watkins	
Conway	Hyer	McKillop	Shackelford		51
Cottey	Johnson	Mortell	Shanklin		
Crews	of Cole	Norton	Spaunhorst		

NOES

Davis	Massey	Mudd	Roberts	4

ABSENT

Broadhead	Farris	Holliday	Ross	Shields	
Edwards	Gottschalk	Nickerson	of Morgan		8
of St. Louis					

ABSENT WITH LEAVE

555] Dryden	Hale	Hardin	Lay	Mr. President	5

Section three was read.

Mr. Wagner offered the following amendment to Section three:

Amend Section three by striking out the word "two" in the eighth line and inserting "one" in lieu thereof.

which was read and rejected.

Mr. McCabe offered the following amendment to Section three:

Amend by inserting after the article "a" in the ninth line of Section three the word "State."

which was read and agreed to.

Mr. Switzler offered the following amendment to Section three as amended:

Strike out all after the word "submitted" in the fifteenth line to and including the word "State" in the eighteenth and insert: "each article separately to a vote of the people for and against it; and if a majority of all the votes given be in favor of any article thus submitted,

it shall, at the end of thirty days after such election, become a part of the Constitution of this State."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Gantt	Massey	Pulitzer	Taylor
Edwards	Lackland	Mudd	Shackelford	of St. Louis
of St. Louis	Letcher	Pipkin	Switzler	12

NOES

Allen	Crockett	Johnston	Priest	Taylor
Alexander	Dysart	of Nodaway	Ray	of Jasper
Black	Edwards	Mabrey	Rider	Todd
Boone	of Iron	Maxey	Rippey	Wagner
Bradfield	Eitzen	McAfee	Roberts	Wallace
Carleton	Fyan	McCabe	Ross	Watkins
Chrisman	Halliburton	McKee	of Morgan	40
Conway	Hammond	McKillop	Ross	
Cottey	Johnson	Mortell	of Polk	
Crews	of Cole	Norton	Shanklin	

ABSENT

Broadhead	Farris	Holliday	Rucker	Spaunhorst
Brockmeyer	Gottschalk	Hyer	Shields	11
Davis		Nickerson		

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Mr. President
				5

Mr. Switzler offered the following amendment to Section three as amended:

556] Add after the word "State" in the eighteenth line the following: "*Provided*, the Convention may submit separately at the same election for the ratification or rejection of the legal voters of the State either in the independent or alternative form, one or more articles or sections as said Convention may deem proper."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Gantt	Lackland	Pulitzer	Spaunhorst	
Allen	Hammond	Letcher	Rippey	Switzler	
Black	Johnson	McKee	Ross	Taylor	
Chrisman	of Cole	McKillop	of Morgan	of St. Louis	
Conway	Johnston	Mudd	Rucker	Todd	
Edwards	of Nodaway	Pipkin	Shackelford		25
of St. Louis					

NOES

Alexander	Dysart	Mabrey	Ray	Taylor	
Boone	Edwards	Massey	Rider	of Jasper	
Bradfield	of Iron	Maxey	Roberts	Wagner	
Carleton	Eitzen	McAfee	Ross	Wallace	
Cottey	Fyan	McCabe	of Polk	Watkins	
Crews	Halliburton	Norton	Shanklin		30
Crockett	Hyer	Priest	Shields		

ABSENT

Broadhead	Davis	Gottschalk	Mortell	
Brockmeyer	Farris	Holliday	Nickerson	8

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Mr. President
				5

Mr. Boone offered the following amendment to Section three as amended:

Amend the section by striking out all between the words "shall" in the thirteenth line and "only" in the sixteenth line and by inserting in lieu thereof the following: "be submitted to a vote of the qualified voters for and against it at the next general election."

which was read and rejected.

Mr. Adams offered the following amendment to Section three as amended:

Amend by striking out the word "only" in the tenth line.

which was read and adopted.

Mr. Letcher offered the following substitute for Section three as amended:

557] Amend Section three by substituting therefor the following: "At the general election to be held in the year 1876, and in each tenth year thereafter, and also at such time as the General Assembly may provide, the question, 'Shall there be a Convention to revise the Consti-

tution and amend the same,' shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified at such election for and against such proposition shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide by law for the election of delegates to such Convention."

which was read.

The ayes and noes being demanded by five members, the substitute was rejected by the following vote:

AYES

Allen	Dysart	Johnston	Mudd	Switzler
Alexander	Edwards	of Nodaway	Priest	Taylor
Black	of St. Louis	Letcher	Pulitzer	of St. Louis
Chrisman	Gantt	McCabe	Shields	Todd
Crews		McKee		19

NOES

Adams	Edwards	Johnson	Pipkin	Shackelford
Boone	of Iron	of Cole	Ray	Shanklin
Bradfield	Eitzen	Mabrey	Rider	Spaunhorst
Carleton	Fyan	Massey	Rippey	Taylor
Conway	Halliburton	Maxey	Ross	of Jasper
Cottey	Hammond	McAfee	of Morgan	Wagner
Crockett	Hyer	McKillop	Ross	Wallace
		Norton	of Polk	Watkins 33

ABSENT

Broadhead	Farris	Holliday	Nickerson	Rucker
Brockmeyer	Gottschalk	Lackland	Roberts	11
Davis		Mortell		

ABSENT WITH LEAVE

Dryden	Hale	Hardin	Lay	Mr. President 5

The question recurring on the adoption of Section three as amended, it was adopted.

Mr. Conway moved to reconsider the vote by which Section one was adopted, which was agreed to.

Mr. Todd offered the following amendment to Section one:

Amend Section one by inserting the word "only" after the word "revised" in line one.

which was read and agreed to.

Section one as amended was then adopted.

Mr. Spaunhorst gave notice that he would move to reconsider the vote by which Section three was adopted and the vote by which the substitute offered by Mr. Letcher was rejected.

558] On motion of Mr. Wagner the report of the Committee on the Future Manner of Amending the Constitution was referred to the Committee on Revision, with instructions to correct, revise and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

On motion of Mr. Wagner the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Mr. Cottey moved to reconsider the vote by which Section two of the report of the Committee on Executive and Ministerial Departments of the State Government was adopted, which was agreed to.

Mr. Cottey offered the following amendment to Section two:

Amend Section two by striking out all after the word "years" where it first occurs in the third line and by striking out all after the word "that" in the eighth line to and including the word "and" in the same line and by inserting after the words, "State Auditor," in the second line the words, "State Treasurer."

which was read and adopted.

Mr. Boone offered the following amendment to Section two:

Amend Section two by striking out the word "four" wherever it occurs and insert in lieu thereof the word "two."

which was read.

Mr. McCabe moved the previous question. The ayes and noes being demanded by five members, the Convention refused to order the previous question by the following vote:

AYES

Adams	Davis	Hyer	Norton	Rucker
Allen	Dysart	Massey	Priest	Shackelford
Alexander	Edwards	McAfee	Pulitzer	Shanklin
Black	of Iron	McCabe	Rider	Switzler
Chrisman	Eitzen	McKee	Rippey	Wagner
Cottey	Halliburton	McKillop	Roberts	Wallace
Crockett				Watkins 31

NOES

Boone	Edwards	Johnston	Mudd	Taylor
Bradfield	of St. Louis	of Nodaway	Ross	of Jasper
Brockmeyer	Fyan	Letcher	of Polk	Taylor
Conway	Gantt	Mabrey	Shields	of St. Louis
Crews	Holliday	Mortell	Spaunhorst	Todd 20

ABSENT

559]	Farris	Hammond	Maxey	Ray
Broadhead	Gottschalk	Johnson	Nickerson	Ross
Carleton	Hale	of Cole	Pipkin	of Morgan 12

ABSENT WITH LEAVE

Dryden	Hardin	Lay	Lackland	Mr. President 5

Mr. Brockmeyer moved to reconsider the vote by which the Convention refused to order the previous question, which was agreed to.

Mr. McCabe then withdrew his motion for the previous question.

The question recurring on the adoption of the amendment offered by Mr. Boone to Section two, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Boone	Fyan	Mabrey	Ross	Shields
Bradfield	Hyer	McAfee	of Morgan	Taylor
Crews	Johnston	Mudd	Ross	of St. Louis
Davis	of Nodaway	Pulitzer	of Polk	Wagner
Eitzen		Ray		18

NOES

Adams	Crockett	Holliday	Pipkin	Spaunhorst	
Allen	Edwards	Letcher	Priest	Switzler	
Alexander	of Iron	Massey	Rider	Taylor	
Black	Edwards	McCabe	Rippey	of Jasper	
Brockmeyer	of St. Louis	McKee	Roberts	Todd	
Chrisman	Gantt	McKillop	Rucker	Wallace	
Conway	Halliburton	Mortell	Shackelford	Watkins	
Cottey	Hammond	Norton	Shanklin		36

ABSENT

Broadhead	Dysart	Gottschalk	Johnson	Maxey	
Carleton	Farris	Hale	of Cole	Nickerson	8

ABSENT WITH LEAVE

Dryden	Hardin	Lackland	Lay	Mr. President	5

Mr. Ross of Polk offered the following amendment to Section two:

Amend by striking out the words, "of all said officers," in the fourth and fifth lines and insert in lieu thereof the following words: "the Governor and Treasurer."

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Cottey	Holliday	Rippey	Switzler	
Allen	Crews	Johnston	Ross	Taylor	
Alexander	Crockett	of Nodaway	of Morgan	of Jasper	
Black	Davis	Mabrey	Ross	Taylor	
Boone	Edwards	McAfee	of Polk	of St. Louis	
Bradfield	of St. Louis	McKillop	Rucker	Todd	
Brockmeyer	Eitzen	Pulitzer	Shackelford	Watkins	
Chrisman	Fyan	Ray	Shields		37
Conway	Gantt	Rider	Spaunhorst		

NOES

Dysart	Hammond	McCabe	Norton	Shanklin	
Edwards	Hyer	McKee	Pipkin	Wallace	
of Iron	Letcher	Mortell	Priest		17
Halliburton	Massey	Mudd	Roberts		

ABSENT

560]	Carleton	Gottschalk	Maxey	Wagner	
Broadhead	Farris	Johnson of Cole	Nickerson		8

ABSENT WITH LEAVE

Dryden	Hardin	Lay	
Hale	Lackland	Mr. President	6

Mr. Holliday offered the following amendment to Section two:

Amend the section by striking out all after and including the word "*provided*" in the eighth line, also by striking out the words, "Superintendent of Public Schools," wherever they occur in the section.

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES

Adams	Eitzen	Massey	Ross	Taylor	
Boone	Gantt	McKillop	of Morgan	of St. Louis	
Bradfield	Halliburton	Mortell	Ross	Wallace	
Crews	Holliday	Mudd	of Polk	Watkins	
Edwards	Hyer	Priest	Spaunhorst		23
of Iron	Letcher	Rippey			

NOES

Allen	Crockett	Johnston	Pipkin	Shanklin	
Alexander	Davis	of Nodaway	Pulitzer	Shields	
Black	Dysart	Mabrey	Ray	Switzler	
Brockmeyer	Fyan	McAfee	Rider	Taylor	
Chrisman	Hammond	McCabe	Roberts	of Jasper	
Conway	Johnson	McKee	Rucker	Todd	
Cottey	of Cole	Norton	Shackelford		31

ABSENT

Broadhead	Edwards	Farris	Maxey	Wagner	
Carleton	of St. Louis	Gottschalk	Nickerson		8

ABSENT WITH LEAVE

Dryden	Hardin	Lay	
Hale	Lackland	Mr. President	6

The question recurring on the adoption of Section two as amended, it was adopted.

Mr. Roberts from the Special Committee to which was referred Section seven of the Article on Railroads as reported by the Committee on Banks and Corporations submitted the following report:

Mr. President:

The Committee to which was referred Section seven of Article on Railroads as reported by the Committee on Banks and Corporations has instructed me to report the following in lieu of Section seven:

561] "The General Assembly shall pass no law for the benefit of railroad or other corporations or any individual or association of individuals, whether retrospective, curative or confirmatory in its operation, which takes away or impairs any right acquired by the people of any district or municipal subdivision of the State or imposes on the people of any district or municipal subdivision of the State a new liability in respect to transactions or considerations already past."

which was read and on motion of Mr. Crews laid over informally and one hundred copies ordered printed.

Mr. Ross of Polk gave notice that he would move to reconsider the vote by which Section fourteen of Article ——— on Legislative Proceedings was adopted.

Mr. McKee offered the following resolution:

Resolved, That the Committee on Revision be and is hereby instructed to insert the words, "Lincoln county," in the Article on Judiciary in such a connection that the jurisdiction of the appellate court, therein provided for the county of St. Louis, shall be extended over the county of Lincoln.

which was read and adopted.

Mr. Cottey offered the following resolution:

Resolved, That the printers who have had in charge the printing for this Convention be requested and instructed to have all reports now in their possession returned to this body printed at an early day.

which was read.

Mr. Gantt offered the following substitute:

That the printers who have in charge the printing for this Convention are instructed to cause all the work in their hands completed and returned to this Convention forthwith.

which was read and rejected.

The question recurring on the adoption of the resolution offered by Mr. Cottey, it was adopted.

Mr. Todd offered the following as a new section to the report of the Committee on Revenue and Taxation:

Section —. It shall be lawful for every county and city to allow 562] graded abatements upon the payment of taxes, to-wit: before the time fixed for their payment.

which was read.

Mr. Roberts moved to lay the proposed new section on the table. The ayes and noes being demanded by five members, the motion to lay the resolution on the table was rejected by the following vote:

AYES

Boone	Eitzen	Johnson	Letcher	Priest	
Crews	Holliday	of Cole	Mudd	Roberts	9

NOES

Adams	Edwards	Mabrey	Rider	Spaunhorst	
Alexander	of Iron	Massey	Rippey	Switzler	
Allen	Edwards	McCabe	Ross	Taylor	
Bradfield	of St. Louis	McKee	of Morgan	of Jasper	
Chrisman	Fyan	McKillop	Ross	Taylor	
Conway	Gantt	Mortell	of Polk	of St. Louis	
Cottey	Halliburton	Norton	Rucker	Todd	
Crockett	Hammond	Pipkin	Shackelford	Wallace	
Davis	Hyer	Pulitzer	Shanklin	Watkins	
Dysart	Johnston	Ray	Shields		43
	of Nodaway				

ABSENT

Black	Brockmeyer	Farris	McAfee	Nickerson	
Broadhead	Carleton	Gottschalk	Maxey	Wagner	10

ABSENT WITH LEAVE

Dryden	Hardin	Lay	
Hale	Lackland	Mr. President	6

Mr. Shanklin moved to refer the new section to the Committee on Revenue and Taxation, which was agreed to.

Mr. Norton offered the following resolution:

Resolved, That three thousand and three hundred dollars of the contingent fund of the Constitutional Convention is hereby set aside for the purpose of paying for the paper and printing of the journal of this Convention which was ordered printed June 17, 1875, and that the Committee on Accounts and State Auditor are hereby instructed to reserve

that amount from said contingent fund for that express purpose until the cost of said journal is ascertained.

which was read and rejected.

563] Mr. Shields gave notice that he would move to reconsider the vote by which Section one of the report of the Committee on Representation, Representative and Senatorial Districts was adopted when reported back to the Convention by the Committee on Revision.

Mr. Dysart offered the following amendment to the new section offered by Mr. Todd, to the report of the Committee on Revenue and Taxation:

But in no case shall any penalty be imposed for the nonpayment of taxes greater than ten per cent per annum.

which was read and on motion referred to the Committee on Revenue and Taxation.

On motion of Mr. Adams the Convention adjourned until tomorrow morning at 8 o'clock a. m.

THURSDAY, JULY 22, 1875

MORNING SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Roberts offered the following resolution:

Resolved, That the contract entered into with Walbridge, Holland and Brown for writing up the debates of this Convention shall now terminate and that the Committee on Accounts are hereby instructed to audit the claims of Walbridge, Holland and Brown for all debates transcribed to this date.

which was read and on motion laid over until tomorrow.

Mr. Shanklin offered the following resolution:

Resolved, That the Committee on Schedule be increased by the appointment of two additional members.

which was read and adopted.

In pursuance to the resolution offered by Mr. Shanklin, the President announced the following additional members to the Committee on Schedule: Black and Mudd.

Mr. Adams from the Committee on Judicial Department submitted the following report:

Mr. President:

Several matters have been referred to this Committee which are simply matters of legislation and are not such as ought to be acted on 564] by this Convention. One of the propositions has reference to the military commutation tax, and another proposition is to prevent courts of record from referring any case pending in such court to a referee to hear the evidence or determine the issues unless by consent of the parties thereto. Your Committee has had those propositions under consideration and directs me to report that the Convention ought not to act on such propositions, but leave them to the Legislature.

Mr. Crews called up his proposed new section which had been referred to the Committee on Judicial Department and reported on adversely:

It shall not be competent for any court of record in this State to refer any case pending in said court to any person with power or authority for such person to hear the evidence or determine the issues, unless by consent of the parties thereto.

which was read.

On motion of Mr. Rider leave of absence was granted Mr. Dysart on account of sickness.

Mr. Shanklin moved to lay the proposed new section offered by Mr. Crews on the table. The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Adams	Edwards	Hyer	McAfee	Shanklin	
Alexander	of Iron	Johnson	McCabe	Taylor	
Allen	Fyan	of Cole	Norton	of Jasper	
Chrisman	Gantt	Johnston	Ray	Watkins	
Cottey	Halliburton	of Nodaway	Ross		23
Crockett	Holliday	Mabrey	of Morgan		

NOES

Boone	Edwards	Hammond	Maxey	Mudd
Conway	of St. Louis	Letcher	McKee	Pipkin
Crews	Eitzen	Massey	McKillop	Priest

Rider	Rucker	Switzler	Todd	Wallace	
Ross	Shields	Taylor	Wagner		24
of Polk	Spaunhorst	of St. Louis			

ABSENT

Black	Brockmeyer	Farris	Nickerson	Rippey	
Bradfield	Carleton	Gottschalk	Pulitzer	Roberts	
Broadhead	Davis	Mortell			13

ABSENT WITH LEAVE

Dryden	Hale	Lackland	Lay	Mr. President	
Dysart	Hardin				7

The question recurring on the adoption of the proposed new section, it was rejected.

The question recurring on the adoption of the report of the Committee on Judicial Department, it was adopted.

565] Mr. Crews offered the following Article————regarding the establishment of a court of claims in the State of Missouri:

Section 1. A court shall be established in this State to be styled the "Court of Claims of Missouri." Said court shall consist of one judge, whose term of office shall be four years and whose qualifications shall be the same as those of a judge of the Supreme Court. Said judge shall be elected by the qualified voters of this State at the general election in the year 1876 and every four years thereafter, and shall enter upon the discharge of the duties of his office on the first Tuesday in January next ensuing. Said court shall have jurisdiction of all claims founded upon any regulation of any Executive Department of this State, and upon any claim that may be referred to it by either house of the General Assembly; and also upon any claim for damages, whether liquidated or unliquidated; and upon any contract, whether express or implied, wherein the State of Missouri may be a party; and such other jurisdiction as may be conferred by law. The compensation of said judge shall be four thousand dollars a year, payable quarterly from the treasury of the State. He shall take the oath prescribed for judges of the Supreme Court. Until otherwise provided the proceedings in said court shall be governed in all respects by the laws and regulations for the government of proceedings in the circuit courts of this State.

Section 2. Upon the trial of any cause, said court shall hear and determine the matters in controversy, and if it finds for the State it shall render judgment to that effect, and such judgment shall be final and shall be enforced as judgments in the circuit courts are enforced, with the right of appeal, however, to the Supreme Court for either party, upon such terms as may be determined by law or the rules of the court. Any transcript of such judgment filed in the clerk's office of any circuit court of this State shall be entered upon the records of the same and shall be-

come *ipso facto* a judgment of said circuit court. If the finding is against the State, a record thereof shall be kept of the same, but it shall have no other effect than to establish a claim against the State, for the payment
566] or satisfaction of which the General Assembly may provide if they see fit.

Section 3. Said court shall hold one annual session commencing on the first Monday in February in each year and continuing so long as may be necessary for the prompt disposition of the business of said court. It shall appoint a clerk and marshal, whose compensation respectively shall not exceed fifteen hundred dollars, and whose terms of office shall be four years, unless removed for cause. Said court shall be held at the city of Jefferson, and until otherwise provided by law the Secretary of State shall furnish appropriate rooms and furniture for the convenient transaction of the business thereof. Whenever a jury may be required the same shall be summoned from any county adjoining the county of Cole.

Section 4. The Attorney-General shall represent the State and the department thereof before said court and in all respects do whatever may be necessary to secure the interests of the State in all matters pending therein.

Section 5. The jurisdiction of said court shall not extend to or include any claim growing out of the destruction or appropriation or damage to property by officers or soldiers engaged in the late CivilWar, nor shall it extend to any claim whatsoever for services rendered in said war. Said court shall have no jurisdiction whatever as to any cause of action which accrued prior to the first day of January, 1867.

Section 6. The General Assembly shall enact such laws as may be necessary to effect the purposes of this article. *Provided, however,* that after the year 1880 said court may be abolished by act of the General Assembly.

which was read and on motion of Mr. Crews laid over informally.

Mr. Hammond from the Committee on Accounts submitted the following report:

The Committee on Accounts directs its chairman to report the folowing matters to the Convention for instructions:

First. Two accounts of Regan and Carter for printing, one for the
567] sum of $83.35, and the other for the sum of $258.83. The Committee is in doubt as to whether said accounts are properly chargeable to the contingent fund of the Convention, in as much as it has been determined by the Committee, that its printing should be done by Messrs. Regan and Carter under their prior existing contract with the State for all State printing.

Second. An account of the Jefferson City Gas & Light Co. for gas for months of May and June in the sum of $121.50. While this account does not include all the gas furnished to the capitol and grounds, yet in the opinion of the Committee it includes more than has been consumed

in this hall. The Committee finds that there has been appropriated by the General Assembly a general fund for gas and other expenses for the capitol and grounds for the years 1875 and 1876 amounting to $5000. (*Gen. and Local Laws Gen. Assembly, page* 8). The Committee not being able to fully determine these matters respectfully refer them to the Convention for instructions.

C. Hammond, *Chairman.*

which was read.

Mr. Mudd in the chair.

On motion of Mr. Fyan leave of absence was granted Mr. Wagner.

Mr. Norton offered the following resolution:

Resolved, That the Committee on Accounts be instructed to pay out of the contingent fund the account of the printer for printing already done for the Convention if they find it to be correct.

which was read.

Vice-President Watkins in the chair.

Mr. Alexander moved to lay the resolution on the table. The ayes and noes being demanded by five members, the motion to lay the resolution on the table was rejected by the following vote:

AYES

Alexander	Fyan	McCabe	Priest	Spaunhorst	
Boone	Gantt	McKee	Pulitzer	Taylor	
Bradfield	Halliburton	McKillop	Rucker	of St. Louis	
Carleton	Johnston	Pipkin	Shields		20
Edwards	of Nodaway				
of St. Louis	Maxey				

NOES

568] Adams	Crews	Hyer	Ray	Switzler	
Black	Crockett	Letcher	Rider	Todd	
Brockmeyer	Edwards	Mabrey	Roberts	Wallace	
Chrisman	of Iron	Massey	Ross	Watkins	
Conway	Eitzen	McAfee	of Morgan		26
Cottey	Hammond	Norton	Shanklin		

ABSENT

Allen	Gottschalk	Mortell	Ross	Taylor	
Broadhead	Holliday	Mudd	of Polk	of Jasper	
Davis	Johnson	Rippey	Shackelford		13
Farris	of Cole				

ABSENT WITH LEAVE

Dryden	Hale	Lackland	Nickerson	Mr. President
Dysart	Hardin	Lay	Wagner	9

Mr. McAfee moved that all debate close on the pending proposition, which was agreed to.

The question recurring on the adoption of the resolution offered by Mr. Norton, and the ayes and noes being demanded by five members, the resolution was rejected by the following vote:

AYES

Adams	Edwards	Massey	Rider	Switzler	
Black	of Iron	McAfee	Roberts	Taylor	
Brockmeyer	Eitzen	Norton	Ross	of Jasper	
Chrisman	Hyer	Pulitzer	of Morgan	Todd	
Crews	Mabrey	Ray	Shanklin		22
Crockett					

NOES

Alexander	Edwards	Johnston	Mudd	Shields	
Boone	of St. Louis	of Nodaway	Pipkin	Spaunhorst	
Bradfield	Fyan	Letcher	Priest	Taylor	
Carleton	Gantt	Maxey	Ross	of St. Louis	
Conway	Halliburton	McCabe	of Polk	Wallace	
Cottey	Hammond	McKee	Rucker	Watkins	
		McKillop	Shackelford		28

ABSENT

Allen	Davis	Gottschalk	Johnson	Mortell	
Broadhead	Farris	Holliday	of Cole	Rippey	9

ABSENT WITH LEAVE

Dryden	Hale	Lackland	Nickerson	Mr. President
Dysart	Hardin	Lay	Wagner	9

Mr. Alexander moved that the report of the Committee on Miscellaneous Provisions be taken up and considered section by section, which was agreed to.

Section one was read and adopted.

Section two was read.

On motion of Mr. Shanklin Section two was referred to the Committee on Schedule.

569] Section three was read and adopted.

Section four was read and adopted.

Section five was read and adopted.

Section six was read and adopted.

Section seven was read and adopted.

Section eight was read.

Mr. Todd offered the following amendment to Section eight:

Amend by inserting after the word "compensation" in line one the words, "or fees."

which was read and adopted.

Mr. Mudd offered the following amendment to Section eight:

Amend by adding thereto the following words: "nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed."

which was read and adopted.

The question recurring on the adoption of Section eight as amended, it was adopted.

Section nine was read and adopted.

Section ten was read.

Mr. Spaunhorst offered the following amendment to Section ten:

Amend by inserting in line two after the word "office" the following words: "including fees and emoluments received for recording deeds and other instruments when the duty of recording devolves upon such clerk."

which was read.

On motion of Mr. Mudd the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

The Convention resumed the consideration of Section ten of the report of the Committee on Miscellaneous Provisions pending at adjournment.

The question being on the adoption of the amendment offered by Mr. Spaunhorst to Section ten, it was adopted.

Mr. Spaunhorst offered the following amendment to Section ten:

570] Amend by inserting in line three after the word "dollars" the following words: "in counties of less than two hundred and fifty thousand inhabitants, in counties having a greater population the amount applied shall not exceed thirty-five hundred dollars."

On motion of Mr. Hammond leave of absence was granted Mr. Pipkin.

On motion of Mr. Todd leave of absence was granted Mr. Pulitzer.

Mr. Shanklin moved to lay Section ten and pending amendment on the table. The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES

Adams	Conway	Hardin	McKillop	Shanklin	
Alexander	Cottey	Holliday	Priest	Taylor	
Allen	Edwards	Johnston	Ray	of St. Louis	
Black	of Iron	of Nodaway	Rippey		23
Boone	Eitzen	Mabrey	Ross		
Carleton	Gantt	McKee	of Morgan		

NOES

Bradfield	Fyan	McAfee	Rucker	Taylor	
Chrisman	Gottschalk	McCabe	Shackelford	of Jasper	
Crews	Halliburton	Mudd	Shields	Todd	
Crockett	Hammond	Rider	Spaunhorst	Wallace	
Dysart	Hyer	Ross	Switzler	Watkins	26
Edwards	Letcher	of Polk			
of St. Louis					

ABSENT

Broadhead	Farris	Massey	Mortell	Roberts	
Brockmeyer	Johnson	Maxey	Norton		10
Davis	of Cole				

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President
Hale	Lay	Pipkin	Wagner	9

Mr. Cottey offered the following amendment to Section ten as amended:

Amend by striking out all after the word "county" in the seventh line and insert the following in lieu thereof: "*Provided*, that in counties not exceeding fifteen thousand inhabitants the compensation of no clerk shall exceed fifteen hundred dollars per annum."

which was read and adopted.

Mr. Massey moved to lay Section ten and amendments on the table. The ayes and noes being demanded by five 571] members, the motion to lay on the table was rejected by the following vote:

AYES

Adams	Conway	Hardin	Mabrey	Ray	
Allen	Cottey	Holliday	Massey	Rucker	
Alexander	Dysart	Hyer	Maxey	Shanklin	
Black	Edwards	Johnston	McCabe	Switzler	
Carleton	of Iron	of Nodaway	McKillop		24
Chrisman	Gantt				

NOES

Bradfield	Fyan	McKee	Ross	Taylor	
Brockmeyer	Halliburton	Mudd	of Polk	of St. Louis	
Crews	Hammond	Norton	Shackelford	Todd	
Crockett	Johnson	Priest	Shields	Wallace	
Edwards	of Cole	Roberts	Spaunhorst	Watkins	
of St. Louis	Letcher	Ross			26
Eitzen	McAfee	of Morgan			

ABSENT

Boone	Davis	Gottschalk	Rider	Taylor	
Broadhead	Farris	Mortell	Rippey	of Jasper	9

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President
Hale	Lay	Pipkin	Wagner	9

Mr. Spaunhorst in the chair.

Mr. Johnston of Nodaway offered the following amendment to Section ten:

Amend by adding the following words: "*provided further*, that the General Assembly shall not reduce the compensation below the amounts herein limited, but shall enact laws carrying into effect the foregoing provisions."

which was read and rejected.

Mr. Halliburton moved to reconsider the vote by which the amendment offered by Mr. Cottey to Section ten was adopted, which was not agreed to.

Mr. Todd offered the following substitute for Section ten as amended:

The General Assembly shall provide by law for making the compensations of clerks of courts of record and of recorders of deeds and of their assistants fixed annual salaries for the payment of all official fees with the county treasury. The annual salary of such clerks and of recorders of deeds shall not exceed fifteen thousand dollars in counties of fifteen thousand inhabitants and less, nor twenty-five thousand dollars in counties of over fifteen thousand inhabitants and less than fifty thousand inhabitants, nor thirty-five thousand dollars in counties of over fifty thousand inhabitants.

572] which was read.

Mr. Holliday offered the following amendment to the substitute:

Amend by adding after the words, "county treasury," the words "by the person paying such fees."

which was read and adopted.

Mr. Cottey moved to indefinitely postpone Section ten and all pending propositions. The ayes and noes being demanded by five members, the motion to indefinitely postpone was agreed to by the following vote:

AYES

Adams	Crockett	Hyer	McKee	Rucker	
Allen	Dysart	Johnson	McKillop	Shanklin	
Alexander	Edwards	of Cole	Priest	Switzler	
Black	of Iron	Johnston	Ray	Taylor	
Boone	Eitzen	of Nodaway	Rider	of Jasper	
Carleton	Gantt	Mabrey	Rippey	Taylor	
Chrisman	Gottschalk	Maxey	Ross	of St. Louis	
Conway	Hardin	Massey	of Morgan	Wagner	37
Cottey	Holliday	McCabe			

NOES

Bradfield	Fyan	Letcher	Norton	Spaunhorst	
Brockmeyer	Halliburton	McAfee	Roberts	Wallace	
Crews	Hammond	Mudd	Shackelford	Watkins	16
Edwards					
of St. Louis					

ABSENT

Broadhead	Farris	Ross	Shields	Todd	7
Davis	Mortell	of Polk			

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President	
Hale	Lay	Pipkin			8

Section eleven was read.

Mr. Adams moved to refer Sections eleven and twelve of the report of the Committee on Miscellaneous Provisions to the Committee on Schedule, which was agreed to.

Mr. Mudd offered the following as a new section to the report of the Committee on Miscellaneous Provisions:

Section—. Before any person, who may be elected or appointed to any State, county, municipal or other office under any law of this State, shall enter on the duties of office he shall take and subscribe in addition to the oath of office otherwise prescribed, if elected, the following oath or affirmation: "I do solemnly swear (or affirm) that I have not used any **573**] unlawful means, directly or indirectly, to procure my election, and that I have not given, offered or promised, directly or indirectly, to any person or persons any money, consideration or valuable thing with intent to affect or control any persons vote, or to prevent any persons voting at the election at which I was elected." If appointed to any office the following oath or affirmation: "I do solemnly swear (or affirm) that I have not used any unlawful means, directly or indirectly, to procure my appointment to office, that I have not given, offered or promised or caused to be given, offered or promised, directly or indirectly, to any person or persons any money, consideration or valuable thing, or promised any portion of the fees or emoluments of office with intent to affect, influence or control such appointment." Failure or refusal to take the oath of office as herein prescribed be held to be a forfeiture of the office and vacancies so occurring shall be filled as provided by law.

which was read.

The ayes and noes being demanded by five members, the proposed new section was adopted by the following vote:

AYES

Adams	Crews	Gottschalk	Johnston	Rucker	
Allen	Dysart	Hammond	of Nodaway	Shanklin	
Alexander	Edwards	Hardin	McCabe	Shields	
Boone	of St. Louis	Hyer	McKee	Spaunhorst	
Brockmeyer	Eitzen	Johnson	McKillop	Switzler	
Conway	Fyan	of Cole	Mudd	Todd	30
Cottey	Gantt		Rider		

NOES

Black	Edwards	Maxey	Roberts	Taylor
Bradfield	of Iron	McAfee	Ross	of St. Louis
Carleton	Halliburton	Norton	of Morgan	Wagner
Chrisman	Holliday	Priest	Shackelford	Wallace
Crockett	Mabrey	Ray	Taylor	23
	Massey	Rippey	of Jasper	

ABSENT

Broadhead	Farris	Letcher	Mortell	Ross
Davis				of Polk 6

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President
Hale	Lay	Pipkin		8

EXCUSED

Watkins 1

Mr. Todd offered the following as new sections to the report of the Committee on Miscellaneous Provisions:

Amend by adding the following as new sections to the report of the
574] Committee on Miscellaneous Provisions:

Section—. No public officer shall be tried upon charges by the same body making them.

Section—. The violation or falsity of any affidavit or oath required in this Constitution shall be perjury.

Section—. Every future gift, grant, devise and bequest for any educational or charitable object, or use shall be adjudged absolute unless express conditions to the contrary in writing accompany it.

Section—. Whenever more than one person is to be elected to a like office from the whole State or any voting district, it shall be lawful for each qualified voter to cast as many votes as there are such persons to be elected for any candidate for such office, or distribute his votes among the candidates for such office according to his choice.

Section—. The Governor-elect, before entering upon the duties of his office shall swear (or affirm) that he will not be a candidate for or accept any office of profit of the United States during the term for which he was elected and for one year thereafter.

which was read.

Mr. Norton moved to refer the proposed new sections offered by Mr. Todd to the Committee on Miscellaneous Provisions. The ayes and noes being demanded by five members, the motion to refer was rejected by the following vote:

AYES

Adams	Edwards	Hardin	McKee	Rider	
Alexander	of Iron	Holliday	McKillop	Roberts	
Boone	Edwards	Hyer	Norton	Ross	
Brockmeyer	of St. Louis	Mabrey	Priest	of Polk	
Dysart	Eitzen	Massey	Ray	Spaunhorst	
	Halliburton	McAfee			24

NOES

Allen	Crews	Johnston	Shields	Todd	
Black	Crockett	of Nodaway	Switzler	Wagner	
Bradfield	Fyan	Mudd	Taylor	Wallace	
Chrisman	Gantt	Rucker	of Jasper	Watkins	
Conway	Gottschalk	Shackelford	Taylor		25
Cottey	Hammond	Shanklin	of St. Louis		

ABSENT

Broadhead	Farris	Letcher	McCabe	Ross	
Carleton	Johnson	Maxey	Mortell	of Morgan	
Davis	of Cole		Rippey		11

ABSENT WITH LEAVE

575] Dryden	Lackland	Nickerson	Pulitzer	Mr. President	
Hale	Lay	Pipkin			8

Mr. Hammond moved that the new sections be considered separately and that the vote be taken on each without debate. Mr. Conway called for a division of the question. The question being on the motion to consider the proposed new sections separately, it was agreed to.

The first section offered by Mr. Todd was read and rejected.

The second section was read and adopted.

The third section was read.

The ayes and noes being demanded by five members, the third section was rejected by the following vote:

AYES

Adams	Crews	Massey	Ross	Switzler	
Alexander	Crockett	McCabe	of Polk	Taylor	
Allen	Gantt	McKee	Rucker	of Jasper	
Bradfield	Gottschalk	Mudd	Shanklin	Todd	
Conway	Johnston	Rider	Shields		23
Cottey	of Nodaway				

NOES

Black	Edwards	Hyer	Norton	Spaunhorst	
Boone	of St. Louis	Johnson	Priest	Taylor	
Brockmeyer	Eitzen	of Cole	Ray	of St. Louis	
Chrisman	Fyan	Mabrey	Rippey	Wagner	
Dysart	Halliburton	McAfee	Roberts	Watkins	
Edwards	Hammond	McKillop	Shackelford	Wallace	28
of Iron	Hardin				

ABSENT

Broadhead	Davis	Holliday	Maxey	Ross	
Carleton	Farris	Letcher	Mortell	of Morgan	9

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President	
Hale	Lay	Pipkin			8

The fourth section was read.

The ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Dysart	Gottschalk	Rucker	Spaunhorst	Todd	7
Gantt	Mudd				

NOES

Adams	Crews	Hardin	McKillop	Shanklin	
Alexander	Crockett	Hyer	Norton	Shields	
Allen	Edwards	Johnson	Priest	Switzler	
Black	of Iron	of Cole	Ray	Taylor	
Boone	Edwards	Johnston	Rider	of Jasper	
Bradfield	of St. Louis	of Nodaway	Rippey	Taylor	
Brockmeyer	Eitzen	Mabrey	Roberts	of St. Louis	
Chrisman	Fyan	Massey	Ross	Wagner	
Conway	Halliburton	McAfee	of Polk	Wallace	
Cottey	Hammond	McCabe	Shackelford	Watkins	44

ABSENT

576]	Davis	Holliday	Maxey	Ross	
Broadhead	Farris	Letcher	Mortell	of Morgan	
Carleton					9

ABSENT WITH LEAVE

Dryden	Lackland	Nickerson	Pulitzer	Mr. President	
Hale	Lay	Pipkin			8

Section five was read.

The ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Cottey	Johnston	McCabe	Rider	Todd	9
Gantt	of Nodaway	Mudd	Rucker		
Gottschalk					

NOES

Adams	Crockett	Hardin	Priest	Spaunhorst	
Alexander	Dysart	Hyer	Ray	Switzler	
Allen	Edwards	Johnson	Rippey	Taylor	
Black	of Iron	of Cole	Roberts	of Jasper	
Boone	Edwards	Mabrey	Ross	Taylor	
Bradfield	of St. Louis	Massey	of Polk	of St. Louis	
Brockmeyer	Eitzen	McAfee	Shackelford	Wagner	
Chrisman	Fyan	McKee	Shanklin	Wallace	
Conway	Halliburton	McKillop	Shields	Watkins	42
Crews	Hammond	Norton			

ABSENT.

Broadhead	Farris	Letcher	Mortell	Ross	
Carleton	Holliday	Maxey		of Morgan	
Davis					9

ABSENT WITH LEAVE.

Dryden	Lackland	Nickerson	Pulitzer	Mr. President	
Hale	Lay	Pipkin			8

On motion of Mr. McAfee the report of the Committee on Miscellaneous Provisions was referred to the Committee on Revision, with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

Mr. McAfee moved that the report of the Special Committee to which was referred Section seven of the report of the Committee on Banks and Corporations be taken up, which was agreed to.

Mr. Crews offered the following amendment to the substitute recommended by the Committee:

Amend by striking out all between the word "which" in the third 577] line and the word "imposes" in the fourth line and by striking out the word "district" in the fifth line and inserting the word "county" in lieu thereof.

which was read and adopted.

The question recurring on the adoption of the substitute as amended, and the ayes and noes being demanded by five members, it was adopted by the following vote:

AYES

Alexander	Edwards	Hyer	Mudd	Switzler	
Boone	of St. Louis	Massey	Priest	Taylor	
Bradfield	Eitzen	McAfee	Rippey	of St. Louis	
Conway	Gantt	McCabe	Roberts	Wagner	
Cottey	Gottschalk	McKee	Rucker	Wallace	
Crews	Halliburton	McKillop	Shields	Watkins	29
	Hammond				

NOES

Adams	Dysart	Johnson	Norton	Shanklin	
Allen	Edwards	of Cole	Ray	Spaunhorst	
Black	of Iron	Johnston	Ross	Taylor	
Brockmeyer	Fyan	of Nodaway	of Polk	of Jasper	
Chrisman	Hardin	Mabrey	Shackelford	Todd	21
Crockett					

ABSENT

Broadhead	Farris	Maxey	Rider	Ross
Carleton	Holliday	Mortell		of Morgan
Davis	Letcher			10

ABSENT WITH LEAVE

Hale	Lackland	Nickerson	Pulitzer	Mr. President
Dryden	Lay	Pipkin		8

Section seven as amended was then adopted.

On motion of Mr. Edwards of St. Louis the report of the Committee on Banks and Corporations was referred to the Committee on Revision, with instructions to revise, correct and report the same back to the Convention at an early day, properly engrossed and printed.

Mr. McCabe gave notice that he would move to reconsider the vote by which Section seventeen of the report of the Committee on Revenue and Taxation was adopted.

Mr. Gantt rose to a question of privilege, and stated that the report of his remarks yesterday on the subject of the future amendments of the Constitution as given in the *Globe-Democrat* of this day is wholly and entirely incorrect.

"Of course I care nothing for the misrepresentation so far as I am
578] individually concerned, but as I am there reported as saying that the people detest the Constitution because of its injustice, that I am almost ready to oppose it myself, for the same reason. I wish to make it known to all outside of this body, for surely I need no vindication here, that this report of my remarks entirely misrepresents what I said and I am unwilling that the statement should go uncontradicted to the community."

On motion of Mr. Brockmeyer the Convention adjourned until tomorrow morning 8 o'clock a. m.

FRIDAY, JULY 23, 1875

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. Boone moved to reconsider the vote by which the new section offered by Mr. Mudd to the report of the Committee on Miscellaneous Provisions was adopted.

Mr. Massey moved that all debate close on the pending proposition, which was agreed to.

On motion of Mr. Chrisman leave of absence was granted Mr. Black.

The question being on the motion to reconsider, and the ayes and noes being demanded by five members, the motion was agreed to by the following vote:

AYES

Allen	Davis	Johnson	Priest	Rucker	
Alexander	Dysart	of Cole	Ray	Shackelford	
Boone	Edwards	Mabrey	Rider	Shanklin	
Bradfield	of St. Louis	Massey	Rippey	Taylor	
Brockmeyer	Fyan	Maxey	Roberts	of Jasper	
Carleton	Gantt	McAfee	Ross	Taylor	
Chrisman	Halliburton	McKee	of Morgan	of St. Louis	
Conway	Hammond	McKillop	Ross	Wallace	
Crews	Holliday	Norton	of Polk	Watkins	42
Crockett	Hyer				

NOES

Cottey	Gottschalk	Mudd	Shields	Todd	
Eitzen	Hardin				7

ABSENT

Adams	Edwards	Johnston	McCabe	Spaunhorst	
Broadhead	of Iron	of Nodaway	Mortell	Switzler	10
	Farris	Letcher			

ABSENT WITH LEAVE

579] Black	Hale	Lay	Pipkin	Mr. President	
Dryden	Lackland	Nickerson	Pulitzer		9

The question recurring on the adoption of the new section offered by Mr. Mudd, and the ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Conway	Dysart	Gottschalk	Mudd	Todd	8
Cottey	Eitzen	Hardin			

NOES

Adams	Edwards	Johnson	McKillop	Shackelford	
Allen	of Iron	of Cole	Norton	Shanklin	
Boone	Edwards	Johnston	Priest	Taylor	
Bradfield	of St. Louis	of Nodaway	Ray	of Jasper	
Carleton	Fyan	Lay	Rippey	Taylor	
Chrisman	Gantt	Mabrey	Roberts	of St. Louis	
Crews	Halliburton	Massey	Ross	Wagner	
Crockett	Hammond	Maxey	of Morgan	Wallace	
Davis	Holliday	McAfee	Ross	Watkins	
	Hyer	McKee	of Polk		40

ABSENT

Alexander	Farris	Mortell	Rucker	Spaunhorst	
Broadhead	Letcher	Rider	Shields	Switzler	
Brockmeyer	McCabe				12

ABSENT WITH LEAVE

Black	Hale	Nickerson	Pulitzer	Mr. President	
Dryden	Lackland	Pipkin			8

Mr. Boone moved to reconsider the vote by which the section offered by Mr. Todd to the report of the Committee on Miscellaneous Provisions was adopted.

Mr. Shanklin in the chair.

The question being on the motion to reconsider, it was agreed to.

The question recurring on the adoption of the new section, it was rejected.

Mr. Gottschalk offered the following resolution:

Resolved, That the Attorney-General of the State be respectfully requested to investigate and give his opinion on the question whether this Convention has the right to submit certain propositions to a separate vote of the people, and if so, whether any proposition can be so submitted which, if adopted, will take the place of any article in the proposed new Constitution.

Mr. Hyer moved to lay the resolution on the table. The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES

580] Adams	Edwards	Massey	Rider	Shanklin	
Allen	of St. Louis	Maxey	Rippey	Shields	
Boone	Fyan	McAfee	Roberts	Taylor	
Bradfield	Halliburton	McCabe	Ross	of Jasper	
Carleton	Hyer	McKee	of Morgan	Taylor	
Chrisman	Johnson	McKillop	Ross	of St. Louis	
Davis	of Cole	Priest	of Polk	Wallace	
	Mabrey	Ray	Shackelford	Watkins	33

NOES

Brockmeyer	Dysart	Hammond	Johnston	Norton	
Conway	Eitzen	Hardin	of Nodaway	Spaunhorst	
Cottey	Gantt	Holliday	Lay	Todd	
Crews	Gottschalk		Mudd	Wagner	18

ABSENT

Alexander	Edwards	Farris	Mortell	Switzler	
Broadhead	of Iron	Letcher	Rucker		9
Crockett					

ABSENT WITH LEAVE

Black	Hale	Nickerson	Pulitzer	Mr. President
Dryden	Lackland	Pipkin		8

Mr. Roberts called up his resolution in relation to terminating the contract entered into by the Convention with Walbridge, Holland and Brown instructing them to transscribe the debates, offered on yesterday and laid over informally until today.

Mr. Taylor of Jasper moved to lay the resolution on the table, which was agreed to.

Mr. Wagner rose to a question of privilege and stated that he had been misrepresented by the *State Journal* of this city, as having returned home on yesterday.

On motion of Mr. Wagner the Convention adjourned until tomorrow morning at 8 o'clock.

SATURDAY, JULY 24, 1875

MORNING SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. McCabe from the Committee on Executive and Ministerial Departments of the State Government submitted the following supplemental report:

Mr. President:

Your Committee to which was referred Resolution Number 243, introduced by Mr. Spaunhorst of St. Louis, requiring it to consider the expediency of reporting a new section for adoption, providing for procedure against any State or other officer by information and for securing 581] to informers suitable rewards, has instructed me to say that it has had the same under consideration and to report the following and recommend its adoption as Section———of Article———of the revised and amended Constitution:

"Section—. Any county, city or town officer in this State may be proceeded against criminally by information for every wilful and fraudulent violation or neglect of official duty, and on conviction thereof shall be removed from office, without prejudice to other proceedings or punishment under the law."

Edw. McCabe, *Chairman.*

which was read.

The new section recommended by the Committee on Executive and Ministerial Departments of State Government was taken up.

Mr. Gottschalk offered the following amendment to the proposed new section:

Amend by inserting after the word "information" the words, "or by indictment."

which was read and adopted.

Mr. Halliburton offered the following amendment to the proposed new section:

Amend by inserting after the word "town" the following words: "township or other municipal," and by striking out the word "or" after the word "city."

which was read and adopted.

Mr. Boone offered the following amendment to the proposed new section:

Amend by inserting the word "State" before the word "county."

which was read and rejected.

The question recurring on the adoption of the proposed new section recommended by the Committee as amended, and the ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Alexander	Davis	Johnston	Ray	Taylor	
Bradfield	Edwards	of Nodaway	Rippey	of St. Louis	
Conway	of St. Louis	McCabe	Rucker	Todd	
Cottey	Gantt	McKee	Shields	Wallace	
Crews	Gottschalk	Mudd	Spaunhorst	Watkins	24
Crockett	Halliburton				

NOES

582[Adams	Edwards	Johnson	Norton	Ross	
Allen	of Iron	of Cole	Priest	of Polk	
Black	Fyan	Mabrey	Roberts	Shackelford	
Boone	Hammond	Massey	Ross	Taylor	
Carleton	Holliday	Maxey	of Morgan	of Jasper	
Chrisman	Hyer	McKillop		Wagner	24

ABSENT

Broadhead	Farris	Letcher	Mortell	Shanklin	
Brockmeyer	Lay	McAfee	Pulitzer		9

ABSENT WITH LEAVE

Dryden	Hale	Nickerson	Rider	Mr. President	
Dysart	Hardin	Pipkin	Switzler		11
Eitzen	Lackland				

Mr. Shields gave notice that he would move to reconsider the vote by which the substitute recommended by the Special Committee for Section seven of the report of the Committee on Banks and Corporations was adopted.

Mr. Conway gave notice that he would move to reconsider the vote by which the resolution, providing that three thousand copies of the journal of the Convention be printed, was adopted on June 17th.

On motion of Mr. Black, the report of the Committee on Revenue and Taxation to which was referred Section fourteen of said report, and the substitute offered by Mr. Gantt, were taken up.

Mr. Rippey offered the following amendment to Section fourteen as reported by the Committee:

Amend by striking out all after the word "indebtedness" in the ninth line down to the word "and" in the twelfth line.

which was read and rejected.

Mr. Johnston of Nodaway offered the following amendment to Section fourteen as reported by the Committee:

Amend Section fourteen by adding after the word "aforesaid" in line twelve the following: "*and provided*, that any county, for the erection of a court house, jail or fire-proof building for the preservation of records as required by law, or school district for the erection of a school house, may contract indebtedness in the aggregate including existing indebtedness not exceeding five per centum of the taxable property therein, provided a majority of the qualified electors assent thereto.

which was read and rejected.

Mr. Chrisman offered the following amendment to Section fourteen as reported by the Committee:

Amend by inserting after the word "indebted" in the tenth line 583] the words, "to a larger amount," and by striking out all after the word "jail" in the eleventh line down to and including the word "aforesaid" in line twelve.

which was read.

Mr. Mudd offered the following amendment to the amendment offered by Mr. Chrisman:

Amend by adding after the word "amount" the words, "*provided*, that such increase shall not exceed five per centum on the value of taxable property therein."

which was read and rejected.

The question recurring on the adoption of the amendment offered by Mr. Chrisman, it was adopted.

The substitute offered by Mr. Gantt for Section fourteen of the report of the Committee on Revenue and Taxation was taken up and, on motion, considered section by section.

Section fourteen of the substitute was read.

Mr. Bradfield offered the following amendment to Section fourteen of the substitute:

Amend Section fourteen of the substitute by striking out all after the word "debt" in the fourth line, and insert in lieu thereof the words "may be increased for the erection of a court house or jail in any county, whenever two-thirds of the voters thereof voting at an election held for that purpose, shall assent to the erection of said buildings and fix the amount of appropriation therefor."

which was read and rejected.

Mr. Gantt offered the following amendment to Section fourteen of the substitute:

Amend by inserting after the word "to" in the fifth line the words, "erect suitable public buildings in any county", and strike out all the rest of the section.

which was read.

The ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Gantt	McCabe	Rucker	Taylor
Allen	Gottschalk	Mudd	Shackelford	of St. Louis
Alexander	Holliday	Norton	Shanklin	Todd
Bradfield	Johnston	Priest	Shields	Wallace
Conway	of Nodaway	Ross		Watkins
Crews	Lay	of Polk		24

NOES

Black	Davis	Hyer	McKillop	Spaunhorst
Boone	Fyan	Mabrey	Ray	Taylor
Chrisman	Halliburton	Massey	Rippey	of Jasper
Crockett	Hammond	McKee	Roberts	Wagner 19

ABSENT

584[	Edwards	Farris	Maxey	Ross
Broadhead	of Iron	Johnson	McAfee	of Morgan
Brockmeyer	Edwards	of Cole	Mortell	14
Carleton	of St. Louis	Letcher	Pulitzer	
Cottey				

ABSENT WITH LEAVE

Dryden	Hale	Nickerson	Rider	Mr. President
Dysart	Hardin	Pipkin	Switzler	11
Eitzen	Lackland			

Mr. Gantt moved to fill the blank with the word "one," which was agreed to.

On motion of Mr. Davis leave of absence was granted Mr. Rider.

On motion of Mr. Rippey leave of absence was granted Mr. Dysart.

Mr. Massey moved that all debate be closed on the pending proposition, which was agreed to.

The question being on the adoption of Section fourteen of the substitute as amended, and the ayes and noes being demanded by five members, the section as amended was rejected by the following vote:

AYES

Conway	Holliday	McCabe	Taylor	Todd	
Gantt	Johnston	Rippey	of St. Louis		10
Gottschalk	of Nodaway	Rucker			

NOES

Adams	Edwards	Lay	Priest	Shanklin	
Allen	of Iron	Mabrey	Ray	Shields	
Black	Edwards	Massey	Ross	Taylor	
Boone	of St. Louis	McAfee	of Morgan	of Jasper	
Bradfield	Fyan	McKee	Ross	Wagner	
Chrisman	Halliburton	McKillop	of Polk	Wallace	
Crockett	Hammond	Mudd	Shackelford	Watkins	33
Davis	Hyer	Norton			

ABSENT

Alexander	Carleton	Farris	Letcher	Pulitzer	
Broadhead	Cottey	Johnson	Maxey	Roberts	
Brockmeyer	Crews	of Cole	Mortell	Spaunhorst	14

ABSENT WITH LEAVE

Dryden	Hale	Nickerson	Rider	Mr. President
Dysart	Hardin	Pipkin	Switzler	11
Eitzen	Lackland			

By unanimous consent Mr. Gantt withdrew Section fifteen of the substitute.

On motion of Mr. Gantt Section sixteen of the substitute was laid over informally.

585] The question recurring on the adoption of Section fourteen as reported by the Committee on Revenue and Taxation, it was adopted.

Mr. Gantt offered Section sixteen of the substitute as a new section to the report of the Committee on Revenue and Taxation, which was read.

Mr. Massey moved that all debate be closed on pending proposition, which was agreed to.

The question recurring on the adoption of the proposed new section offered by Mr. Gantt, it was rejected.

On motion of Mr. Halliburton the report of the Committee on Revenue and Taxation was referred to the Committee on Revision, with instructions to revise, correct, and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

Mr. Shields from the Committee on Railroad Taxation, submitted the following report:

Mr. President:

Your Committee on Railroad Taxation to which was referred several propositions on the subject of railroad taxation and the best methods of assessing and collecting such taxes, has had the same under consideration according to the order of the Convention and has instructed me to report the following article.

Geo. H. Shields, *Chairman.*

ARTICLE———

RAILROAD TAXATION

Section 1. All railroad corporations in this State, or doing business in this State, shall be subject to taxation for State, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchise and their capital stock.

Section 2. The General Assembly shall provide for the assessment and collection of taxes from such corporations, or their leases, on one or more of the objects of taxation in the next preceding section mentioned, at the same time, or on one of such objects, to the exclusion of the others, as may from time to time be deemed proper.

Section 3. All taxes on railroad corporations shall be ascertained
586] as may be provided by law and paid by such corporations into the State treasury, and that portion of such taxes when collected, not reserved to the State or assessed for State purposes, shall be immediately distributed and paid over to the respective counties and municipalities to which the same is due and payable.

Section 4. The General Assembly shall enforce the provisions of this article by appropriate legislation and provide suitable penalties to carry the same into effect.

which was read and, on motion of Mr. Shields, made the special order for Tuesday, July 27, 1875, at 9 o'clock a. m. and one hundred and fifty copies ordered printed.

On motion of Mr. Brockmeyer the Convention adjourned until Monday at 8 o'clock a. m.

MONDAY, JULY 26, 1875

MORNING SESSION

The Convention met pursuant to adjournment, Vice-President Watkins in the chair.

Prayer by the Rev. C. C. Woods.

The journal of Saturday was read and approved.

Mr. Shanklin from the Committee on Schedule submitted the following report:

Mr. President:

Your Committee appointed to take into consideration and report a schedule providing for carrying the revised and amended Constitution into effect, has instructed me to report the following as the result of its labors, and recommend its adoption.

J. H. Shanklin, *Chairman.*

SCHEDULE

That no inconvenience may arise from the alteration and amendments in the Constitution of this State and to carry the same into complete effect, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of the State, individuals or bodies corporate shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution, shall cease upon its adoption, except that all laws which are inconsistent

587] with such provisions of this Constitution as require legislation to enforce them, shall remain in force until the first day of July, 1877, unless sooner amended or repealed by the General Assembly.

Section 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein; and all fines, taxes, penalties and forfeitures due or owing to this State, or any such subdivision or municipality; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution; and all crimes and misdemeanors shall be tried and punished as though no change had been made in the Constitution of this State.

Section 3. All county and probate courts as now constituted and organized, shall continue with their jurisdiction until the General Assembly shall by law conform them in their organization to the requirements of this Constitution.

Section 4. All criminal courts organized and existing under the laws of this State and not specially provided for in this Constitution, shall continue to exist until the expiration of the terms of office of the present judges thereof, unless sooner abolished by law.

Section 5. All courts of common pleas existing and organized in cities and towns having a population exceeding three thousand five hundred inhabitants, and such as by the law of their creation are presided over by a judge of a circuit court shall continue to exist and exercise their present jurisdiction until otherwise provided by law. All other courts of common pleas shall cease to exist at the expiration of the present terms of office of the several judges thereof.

Section 6. All persons now filling any office or appointment in this State shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless otherwise provided by law.

Section 7. Upon the adoption of this Constitution all appeals to, and writs of error from the Supreme Court, shall be returnable to the Supreme Court at the City of Jefferson.

Section 8. This Convention shall be submitted to the people of this State for adoption or rejection at an election to be for that purpose only, on Saturday, the———day of———, 187—. Every person entitled to vote under the Constitution and laws of this State shall be entitled 588] to vote for the adoption or rejection of this Constitution. Said election shall be held and said qualified electors shall vote at the usual places of voting in the several counties of this State; and said election shall be conducted and returns thereof made according to the laws now in force regulating general elections.

Section 9. The clerks of the several county courts in this State shall, at least five days before said election, cause to be delivered to the judges of election in each election district or precinct in their respective counties, suitable blank poll books, forms of return and five times the number of properly prepared printed ballots for said election that there are voters in said respective districts; the expense whereof shall be al-

lowed and paid by the several county courts as other county expenditures are allowed and paid.

Section 10. At said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET

(Erase the clause you do not favor.)

New Constitution: Yes.

New Constitution: No.

Each of said tickets shall be counted as a vote for or against this Constitution as the one clause or the other may be cancelled with ink or pencil by the voter, and returns thereof shall be made accordingly. If both clauses of the ticket be erased, or if neither be erased, the ticket shall not be counted.

Section 11. The returns of the whole vote cast for the adoption and against the adoption of this Constitution shall be made by the several clerks as now provided by law in case of the election of State officers, to the Secretary of State, within twenty days after the election; and the returns of said votes shall within five days thereafter be examined and canvassed by the State Auditor, State Treasurer and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass.

Section 12. If, upon such canvass, it shall appear that a majority of the votes polled were in favor of the new Constitution then this Constitution shall, from and after the———day of———, 187—, be the supreme law of the State of Missouri, and the present existing Consti-
589] tution shall thereupon cease in all its provisions; but if it shall appear that a majority of the votes polled were against the new Constitution then this Constitution shall be null and void and the existing Constitution shall continue in force.

Section 13. The provisions of this Constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.

Section 14. The General Assembly shall pass all such laws as may be necessary to carry this Constitution into full effect.

Done in Convention at the Capitol in the city of Jefferson on the ———day of July, in the year of our Lord one thousand eight hundred and seventy-five, and of the Independence of the United States the ninety-ninth.

which was read and on motion laid over informally and one hundred and fifty copies ordered printed.

Mr. Wallace from the Committee on Railroad Taxation submitted the following views of the minority of said Committee:

Mr. President:

The undersigned members of the Committee on Railroad Taxation being unable to agree to the third section of the majority report of said Committee, desire to say as a reason and ground for their dissent that they regard said third section as unsettling and disturbing the just and equitable principle for the distribution of railroad taxation established by the fifth section of an act entitled, "An Act to Facilitate the Construction of Railroads in the State of Missouri, approved March 23, 1868, as well as the custody of and the manner of distributing such taxes." In view of the provisions of the present Constitution of the State and the laws of Missouri allowing subscriptions by counties, cities, towns and townships to railroad companies to aid in the construction of such roads when authorized by a two-thirds vote of the qualified voters, and the provisions of the said act to facilitate the construction of railroads in this State, we regard the provisions of said fifth section of said act as an inducement and encouragement to counties, cities and townships to subscribe stock in aid of the construction of such roads and as a pledge of the faith of the State, by and 590] through the Legislature, that the proceeds of all taxes, State, county, etc., should go and be applied towards the refunding and payment of such subscriptions, which just principle and solemn pledge of the State, we cannot consent to violating, and here submit our protest against any change of such principle.

H. C. Wallace.
C. B. McAfee.

which was read, and on motion ordered printed with the report of the Committee on Railroad Taxation.

On motion of Mr. Massey the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The Convention met pursuant to adjournment, the Vice-President in the chair.

Mr. Adams moved to reconsider the vote by which Section fourteen of the report of the Committee on Legislative Department was adopted.

Mr. Halliburton rose to a point of order and stated that the report as a whole had been acted on and referred to the Committee on Revision and hence was out of the control of the Convention and until reported back to the Convention for its action by the Committee could not be taken up. The Chair decided the point of order well taken.

Mr. Adams offered the following resolution:

Resolved, That the Committee on Revision be and it is hereby instructed to strike out of Section fourteen of the Article on Legislative Proceedings the words, "and form", in the thirteenth line and all after the words "therewith" in the twentieth line.

which was read and laid over until tomorrow.

Mr. Hale from the Special Committee to which was referred the resolution relating to circuit attorneys offered by Mr. Maxey, submitted the following report:

Mr. President:

A majority of the Special Committee to which was referred the resolution of Mr. Maxey for the election of circuit attorneys, has instructed me to report the following provisions on that subject and recommend their adoption by the Convention.

John B. Hale, *Chairman.*

591] Section 1. On the first Tuesday after the first Monday in November, 1876, and every four years thereafter, there shall be elected in each judicial circuit in this State, one competent circuit attorney, and the qualified voters of the judicial circuit, including the county of St. Louis, shall elect one competent assistant circuit attorney, all of whom shall reside in their respective circuits.

Section 2. Persons elected to the office of circuit attorney and assistant circuit attorneys herein provided for, shall be at least twenty-one years of age, learned in the law and shall have been residents of the circuit in which they are elected at least twelve months next preceding their election, shall be commissioned by the Governor and shall hold their offices four years from and after their election and until their successors are elected and qualified.

Section 3. All elections herein provided for shall be governed by the general law regulating elections.

Section 4. Circuit attorneys herein provided for shall, in their circuits, perform the duties now devolving by law on prosecuting attorneys, and in the county in which they may respectively reside when elected, shall be *ex officio* county attorney, and shall perform such other duties as may be required by law.

Section 5. Vacancies in the office of circuit or assistant circuit attorney, from any cause, shall be filled by appointment by the Governor for the remainder of the term unless otherwise provided by law.

Section 6. Circuit and assistant circuit attorneys shall receive such fees as are now allowed by law to prosecuting attorneys and in addition thereto such annual salary as the General Assembly may by law provide, not to exceed the sum of————dollars except in the county of St. Louis where it shall not exceed the sum of————dollars.

Section 7. From and after the election and qualifications of the circuit attorneys herein provided for, the office of prosecuting attorney as now established, shall be and the same is hereby abolished.

Section 8. The General Assembly may at any time abolish the office of circuit attorney and assistant circuit attorney herein provided for.

592] which was read.

Mr. Alexander moved to lay the report on the table. The ayes and noes being demanded by five members, the motion to lay the report on the table was adopted by the following vote:

AYES

Adams	Chrisman	Holliday	Ray	Taylor	
Alexander	Cottey	Mabrey	Roberts	of St. Louis	
Allen	Crockett	Massey	Ross	Todd	
Black	Edwards	McKee	of Polk	Wagner	
Boone	of Iron	McKillop	Shackelford	Wallace	
Broadhead	Fyan	Norton	Taylor	Watkins	
Carleton	Hammond	Priest	of Jasper		30

NOES

Bradfield	Hale	Johnston	McAfee	Rucker	
Conway	Halliburton	of Nodaway	Rider	Shanklin	
Davis	Hyer	Letcher	Rippey	Shields	
Gantt	Johnson	Maxey	Ross		18
	of Cole		of Morgan		

ABSENT

Brockmeyer	Edwards	Gottschalk	McCabe	Mudd	
Crews	of St. Louis	Lay	Mortell	Spaunhorst	
	Farris				10

ABSENT WITH LEAVE

Dryden	Hardin	Nickerson	Pulitzer	Mr. President	
Dysart	Lackland	Pipkin	Switzler		10
Eitzen					

Mr. Letcher from the Committee on Revenue and Taxation submitted the following report:

Mr. President:

The Committee on Revenue and Taxation to which was referred the new section submitted by Mr. Todd to the report of the Committee, providing for rebatements on taxes, together with the amendment submitted by Mr. Dysart limiting penalties thereon, has upon due consideration instructed me to report the same back to the Convention, but without any recommendation.

Letcher, *Chairman.*

which was read.

Mr. Norton moved that the report be received and laid on the table.

Mr. Todd demanded a division of the question. The question then being on the motion to receive the report, it was adopted.

The question then being on the motion to lay on the table, and the ayes and noes being demanded by five members, the motion to lay on the table was adopted by the following vote:

AYES

593] Adams	Chrisman	Letcher	Norton	Taylor	
Alexander	Cottey	Mabrey	Priest	of St. Louis	
Allen	Crockett	Massey	Ray	Wagner	
Black	Holliday	Maxey	Shackelford	Watkins	
Boone	Hyer	McKee	Shanklin		27
Carleton	Johnson	McKillop	Taylor		
	of Cole		of Jasper		

NOES

Bradfield	Edwards	Hammond	Rippey	Ross	
Broadhead	of Iron	Johnston	Roberts	of Polk	
Conway	Fyan	of Nodaway	Ross	Rucker	
Davis	Gantt	McAfee	of Morgan	Todd	
	Hale	Rider		Wallace	19

ABSENT

Brockmeyer	Edwards	Gottschalk	McCabe	Shields	
Crews	of St. Louis	Halliburton	Mortell	Spaunhorst	
	Farris	Lay	Mudd		12

ABSENT WITH LEAVE

Dryden	Hardin	Nickerson	Pulitzer	Mr. President
Dysart	Lackland	Pipkin	Switzler	10
Eitzen				

Mr. Hale offered the following as a new section to the report of the Committee on Banks and Corporations:

Amend the Article on Corporations by adding the following new section under the head of Banks:

Section—. Stockholders in all banks organized under the laws of this State, whether banks of issue, deposit or discount, shall be individually liable to depositors; but such liability shall be pro-rated amongst the solvent stockholders therein.

which was read and on motion of Mr. Norton laid over informally and seventy-five copies ordered printed.

On motion of Mr. Norton the report of the Committee on Schedule was taken up and considered section by section.

Section one was read.

Mr. Shields offered the following amendment to Section one:

Amend by inserting the words, "not inconsistent therewith," after the word "corporate" in the third line.

which was read and adopted.

Mr. Wallace offered the following amendment to Section one:

Amend by adding the word "counties" after the word "State" in the second line.

which was read and adopted.

Mr. Black offered the following amendment to Section one:

Amend by adding after the word "therewith" in the second line the following words: "shall remain in full force until altered, amended or repealed by the General Assembly."

594] which was read and adopted.

The question recurring on the adoption of Section one as amended, it was adopted.

Section two was read.

Mr. Wallace offered the following amendment to Section two:

Amend by striking out all after the word "Constitution" in the fifth line and insert the following: "All indictments which shall have been found, or may hereafter be found for any crime or offense committed before this Constitution takes effect may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution."

which was read and adopted.

The question recurring on the adoption of Section two as amended, it was adopted.

Section three was read and adopted.

Section four was read.

Mr. Wallace offered the following amendment to Section four:

Amend by striking out the words, "unless sooner," in the third line and insert the words, "and until."

which was read and rejected.

Mr. Adams offered the following amendment to Section four:

Amend by striking out the words, "unless sooner abolished by law."

which was read and rejected.

Mr. Shanklin offered the following amendment to Section four:

Amend by striking out all after the word "until" in the second line and insert in lieu thereof the following: "otherwise provided by law."

which was read and adopted.

The question recurring on the adoption of Section four as amended, it was adopted.

Section five was read and adopted.

Section six was read.

Mr. Holliday offered the following amendment to Section six:

Amend Section six by striking out all after the word "or" in the second line and insert the following words in lieu thereof: "until the same shall expire as now provided by law."

which was read and rejected.

The question recurring on the adoption of Section six
595] as reported by the Committee, it was adopted.

Section seven was read and adopted.

Section eight was read.

Mr. Norton moved that Section eight be adopted, leaving the blanks therein to be filled until reported back to the Convention by the Committee on Revision, which was agreed to.

Section nine was read and adopted.

Section ten was read.

Mr. McAfee offered the following amendment to Section ten:

Amend Section ten by striking out all after the word "ballots" in

the first line and insert these words: "of those in favor of the new Constitution shall have written or printed thereon these words 'New Constitution—Yes.' Those against the Constitution shall have written or printed thereon the words 'New Constitution—No.'"

which was read and rejected.

Mr. Todd offered the following amendment to Section ten:

Amend by striking out the words, "or pencil," in line seven.

which was read and rejected.

The question recurring on the adoption of Section ten, it was adopted.

Section eleven was read.

Mr. Massey offered the following amendment to Section eleven:

Amend by striking out the word "five" where it occurs in the fourth line and insert the word "ten."

which was read and adopted.

The question recurring on the adoption of Section eleven as amended, it was adopted.

Section twelve was read.

Mr. Norton moved that the filling of blanks in Section twelve be postponed until reported back to the Convention by the Revising Committee for final adoption, which was agreed to.

The question recurring on the adoption of Section twelve, it was adopted.

Section thirteen was read.

596] Mr. Adams offered the following amendment to Section thirteen:

Amend by striking out the word "Constitution" in the first line and insert the word "schedule" and by striking out the word "thereof" in the second line and insert in lieu thereof the words, "of this Constitution."

which was read and adopted.

The question recurring on the adoption of Section thirteen as amended, it was adopted.

Section fourteen was read and adopted.

Section fifteen was read.

On motion, Section fifteen was adopted, leaving the blank to be filled and the month (July) if necessary, changed on final action of Convention.

Mr. Alexander offered the following as a new section to the report of the Committee on Schedule:

Section—. The present Secretary of State, State Auditor, Attorney-General and Superintendent of Public Schools shall, during the remainder of their term of office, unless otherwise directed by the General Assembly, receive the same compensation and fees as is now provided by law, and the present State Treasurer shall, during the remainder of the term of his office continue to be governed by existing law, in the custody and disposition of the State funds, otherwise directed by the General Assembly.

which was read and adopted.

Mr. Maxey moved to reconsider the vote by which Section ten was adopted, which was not agreed to.

Mr. Cottey moved to reconsider the vote by which Section nine was adopted, which was not agreed to.

On motion of Mr. Shanklin the report of the Committee on Schedule was referred to the Committee on Revision, with instructions to correct, revise and report the same back to the Convention, properly engrossed and printed for final adoption.

Mr. Boone moved that the rules be suspended and the report of the Committee on Railroad Taxation be taken up. Mr. Shields rose to a point of order and stated that the report was a special order and therefore could not be consid-
597] ered before the specified time. The point of order was decided well taken.

On motion of Mr. Rider the Convention adjourned until tomorrow 8 o'clock a. m.

TUESDAY, JULY 27, 1875

MORNING SESSION

The Convention met pursuant to adjournment, the Vice-President in the chair.

Prayer by the Rev. C. C. Woods.

The journal of yesterday was read and approved.

Mr. Adams called up his resolution offered on yesterday instructing the Committee on Revision to strike out part of Section fourteen of the report of the Committee on Legislative Proceedings. Mr. Halliburton rose to a point of order and stated that the motion was out of order as it was virtually an amendment, and that the report containing Section fourteen was not in the possession of the Convention having been referred to the Committee on Revision. The Chair decided the point of order well taken, and declared the motion out of order.

Mr. Boone gave notice that he would move to reconsider the vote by which Sections thirteen and fourteen of the report of the Committee on Revenue and Taxation were adopted.

On motion, the report of the Committee on Railroad Taxation was taken up.

Section one was read.

Mr. Broadhead offered the following substitute for Section one:

> Section 1. Railroad corporations in this State, or doing business in this State, shall, in addition to other modes or objects of taxation, be taxable upon their gross earnings and net earnings or either.

which was read.

Mr. Halliburton offered the following amendment to Section one:

> Amend by inserting after the word "franchise" in the fourth line the following words: "their dividends, their loans."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Broadhead for Section one, and the ayes and

noes being demanded by five members, it was rejected by
598] the following vote:

AYES

Black	Dysart	Lackland	Shackelford	Taylor	
Broadhead	Edwards	Mudd	Spaunhorst	of St. Louis	
Chrisman	of Iron	Ross			11
		of Morgan			

NOES

Adams	Edwards	Holliday	McAfee	Rucker	
Alexander	of St. Louis	Hyer	McKee	Shanklin	
Allen	Eitzen	Johnson	McKillop	Shields	
Boone	Fyan	of Cole	Norton	Switzler	
Bradfield	Gantt	Johnston	Pipkin	Taylor	
Carleton	Gottschalk	of Nodaway	Priest	of Jasper	
Conway	Hale	Lay	Ray	Todd	
Cottey	Halliburton	Letcher	Rider	Wagner	
Crockett	Hammond	Mabrey	Rippey	Wallace	
Davis	Hardin	Massey	Ross	Watkins	46
			of Polk		

ABSENT

Brockmeyer	Farris	McCabe	Nickerson	Roberts	8
Crews	Maxey	Mortell			

ABSENT WITH LEAVE

Dryden	Pulitzer	Mr. President	3

Mr. Hale offered the following amendment to Section one:

Amend by striking out the word "and" in the third line, where it occurs in the second line and insert the word "or" and by striking out all after the word "earnings" in the third line.

which was read and rejected.

The question recurring on the adoption of Section one as reported by the Committee, and the ayes and noes being demanded by five members, it was adopted by the following vote:

AYES

Adams	Bradfield	Cottey	Edwards	Gantt
Alexander	Broadhead	Crockett	of St. Louis	Gottschalk
Allen	Carleton	Davis	Eitzen	Halliburton
Black	Chrisman	Dysart	Fyan	Hammond
Boone	Conway			

Hardin	Lackland	Norton	Ross	Taylor	
Holliday	Lay	Pipkin	of Polk	of Jasper	
Hyer	Letcher	Priest	Rucker	Todd	
Johnson	Mabrey	Ray	Shanklin	Wagner	
of Cole	Massey	Rider	Shields	Wallace	
Johnston	McAfee	Rippey	Switzler	Watkins	49
of Nodaway	McKillop				

NOES

Edwards	Hale	Ross	Shackelford	Taylor	
of Iron	Mudd	of Morgan	Spaunhorst	of St. Louis	7

ABSENT

Brockmeyer	Farris	McCabe	Mortell	Roberts	8
Crews	Maxey	McKee			

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

Section two was read.

Mr. Halliburton offered the following amendment to Section two:

Amend Section two by inserting between the words "taxation" **599**] and the word "in" the following words: "and for the purposes."

which was read.

Mr. McAfee moved that debate close on pending amendment, which was agreed to.

The question being on the adoption of the amendment offered by Mr. Halliburton, it was rejected.

Mr. Chrisman offered the following amendment to Section two:

Amend by adding thereto the following: "but this section shall not be construed to authorize such corporations to be taxed more heavily or at a less vote in proportion to the value of their property than other corporations or individuals."

which was read.

Mr. Shanklin moved that debate on Section two and the pending amendment and all subsequent amendments (if any) be now closed. Mr. Shields rose to a point of order and stated that the motion was entirely too broad, and that the only motion on the question to close debate known to parliamentary law is the motion to close debate on pend-

ing proposition. The Chair decided the point of order well taken.

The question being on the motion to close debate on Section two and pending amendment, it was agreed to.

The question recurring on the adoption of the amendment offered by Mr. Chrisman, and the ayes and noes being demanded by five members, it was rejected by the following vote:

AYES

Adams	Conway	Gantt	Mudd	Shackelford	
Allen	Crockett	Hale	Pipkin	Spaunhorst	
Black	Dysart	Hammond	Ross	Taylor	
Bradfield	Edwards	Lay	of Morgan	of St. Louis	
Broadhead	of Iron	McKee	Rucker	Todd	23
Chrisman					

NOES

Alexander	Eitzen	Johnston	Norton	Shanklin	
Boone	Fyan	of Nodaway	Priest	Shields	
Carleton	Halliburton	Lackland	Ray	Taylor	
Cottey	Hardin	Letcher	Rider	of Jasper	
Crews	Holliday	Mabrey	Rippey	Wagner	
Davis	Hyer	Massey	Roberts	Wallace	
Edwards	Johnson	McAfee	Ross	Watkins	
of St. Louis	of Cole	McKillop	of Polk		34

ABSENT

Brockmeyer	Gottschalk	McCabe	Mortell	Switzler	
Farris	Maxey				7

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

600] Mr. Lay offered the following substitute for Section two:

Section 2. The General Assembly shall provide for the assessment and collection of taxes from such corporations, or their lessees, on all their real and personal property and in addition thereto, may provide for the assessment and collection of taxes from such corporations on one or more of the objects of taxation in the next preceding section mentioned other than property at the same time, or on one or more of such objects to the exclusion of others as may from time to time be deemed proper.

which was read.

Mr. Spaunhorst moved to indefinitely postpone Sections two, three and four. Mr. Halliburton rose to a point of order and stated that as the report was being considered section by section it was not in order to indefinitely postpone Sections three and four as they were not before the Convention, and that therefore the motion could only refer to Section two. The Chair decided the point of order well taken.

The question being on the motion to indefinitely postpone Section two, and the ayes and noes being demanded by five members, the motion to indefinitely postpone was adopted by the following vote:

AYES

Alexander	Edwards	Johnson	Mudd	Spaunhorst	
Allen	of Iron	of Cole	Priest	Switzler	
Black	Edwards	Johnston	Rider	Taylor	
Boone	of St. Louis	of Nodaway	Rippey	of Jasper	
Broadhead	Fyan	Maxey	Ross	Taylor	
Carleton	Hale	McAfee	of Morgan	of St. Louis	
Chrisman	Halliburton	McKee	Shackelford	Wagner	31
	Hyer	McKillop	Shields		

NOES

Adams	Dysart	Lackland	Pipkin	Shanklin	
Bradfield	Eitzen	Lay	Ray	Todd	
Conway	Gantt	Letcher	Roberts	Wallace	
Crews	Hammond	Mabrey	Ross	Watkins	27
Crockett	Hardin	Massey	of Polk		
Davis	Holliday	Norton	Rucker		

ABSENT

Brockmeyer	Farris	Gottschalk	McCabe	Mortell	
Cottey					6

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

Section three was read.

Mr. Hale offered the following amendment to Section three:

Amend Section three by striking out all after the word "treasury" in the second line and adding to the section the following words: "and

601] said taxes so collected shall be distributed and paid out as is or may be provided by law."

which was read and adopted.

Mr. Hyer moved to lay Section three as amended on the table. The ayes and noes being demanded by five members, the motion to lay on the table was adopted by the following vote:

AYES

Adams	Crockett	Hammond	McAfee	Shanklin	
Alexander	Davis	Hardin	McKee	Spaunhorst	
Allen	Dysart	Hyer	McKillop	Taylor	
Black	Edwards	Johnson	Pipkin	of Jasper	
Boone	of Iron	of Cole	Priest	Wagner	
Carleton	Farris	Johnston	Rider	Wallace	
Chrisman	Fyan	of Nodaway	Rippey	Watkins	
Cottey	Gantt	Lay	Shackelford		38
Crews	Halliburton	Mabrey			

NOES

Bradfield	Eitzen	Mudd	Ross	Switzler	
Broadhead	Hale	Norton	of Polk	Taylor	
Conway	Lackland	Roberts	Rucker	of St. Louis	
Edwards	Letcher	Ross	Shields	Todd	
of St. Louis	Massey	of Morgan			19

ABSENT

Brockmeyer	Holliday	McCabe	Mortell	Ray	
Gottschalk	Maxey				7

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

Section four was read.

Mr. McAfee moved to lay Section four on the table, which was agreed to.

On motion of Mr. Switzler the report of the Committee on Railroad Taxation was referred to the Committee on Revision with instructions to revise, correct and report the same back to the Convention at an early day, properly engrossed and printed for final adoption.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President:

Your Committee to which was referred the Preamble and Bill of Rights and also the Article on Boundaries, to revise, correct and report the same back to the Convention at an early day properly engrossed and printed, has instructed me to report that it has carefully considered the same and has revised and corrected said articles and arranged them in order in the proposed Constitution, and that same are herewith reported, properly engrossed and printed.

A. R. Taylor, *Chairman.*

602] which was read, the following articles accompanying the report:

CONSTITUTION OF MISSOURI.

PREAMBLE.

We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do, for the better government of the State, establish this Constitution.

ARTICLE I.

BOUNDARIES.

The boundaries of the State as heretofore established by law are hereby ratified and confirmed. The State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the State, so far as the said rivers shall form a common boundary to this State and any other State or States; and the river Mississippi and the navigable rivers and waters leading to the same shall be common highways, and forever free to the citizens of the State and of the United States, without any tax, duty, impost or toll therefor, imposed by this State.

ARTICLE II.

BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

Section 1. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. That the people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness: *Provided,* such change be not repugnant to the Constitution of the United States.

Section 3. That Missouri is a free and independent State, subject only to the Constitution of the United States; and as the preservation

of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to co-exist with it, the Legislature is not authorized to adopt, nor will the people of this State 603] ever assent to any amendment or change of the Constitution of the United States which may in any wise impair the right of local self-government belonging to the people of this State.

Section 4. That all constitutional government is intended to promote the general welfare of the people, that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

Section 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others.

Section 6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, preacher, minister or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Section 7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof as such; and that no preference shall be given to, nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

Section 8. That no religious corporation can be established in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed 604] by law for church edifices, parsonages and cemeteries.

Section 9. That all elections shall be free and open and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 10. That courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property, or character, and that right and justice should be administered without sale, denial or delay.

Section 11. That the people shall be secure in their persons, homes and effects from unreasonable searches and seizures, and no warrant to search any place, or seize any person or thing, shall issue without de-

scribing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.

Section 12. That no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; in all other cases, offenses shall be prosecuted criminally by indictment or information as concurrent remedies.

Section 13. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Section 14. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be be given in evidence, and the jury under the direction of the court, shall determine the law and fact.

Section 15. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any **605**] irrevocable grant of special privileges or immunities, can be passed by the General Assembly.

Section 16. That imprisonment for debt shall not be allowed except for the nonpayment of fines and penalties imposed for violation of law.

Section 17. That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

Section 18. That no person elected or appointed to any office or employment of trust or profit under the laws of this State or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

Section 19. That no person who is now or may hereafter become a collector or receiver of public money, or assistant or deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Missouri under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.

Section 20. That no private property can be taken for private use, with or without compensation, unless by the consent of the owner, except for private ways of necessity, and except for drains and ditches

across the lands of others for agricultural purposes in such manner as may be prescribed by law; and that whenever an attempt is made to take private property for a use alleged to be public, it shall be a judicial question, and as such judicially determined, without regard to any legislative assertion that the use is public.

Section 21. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein di-
606] vested. The fee of land taken for railroad tracks without consent of the owner thereof, shall remain in such owner subject to the use for which it is taken.

Section 22. In criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy, public trial by an impartial jury of the county.

Section 23. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person after being once acquitted by a jury, be again for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt or innocence is submitted, fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.

Section 24. That all persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

Section 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Section 26. That the privilege of the writ of *habeas corpus* shall never be suspended.

Section 27. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 28. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record may consist of less than twelve men, as may be prescribed
607] by law. Hereafter, a grand jury shall consist of twelve men, and nine of whom concurring may find an indictment or a true bill.

Section 29. That the people have the right peaceably to assemble

for their common good, and apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

Section 30. That no person shall be deprived of life, liberty or property without due process of law.

Section 31. That there cannot be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Section 32. The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

By unanimous consent the numerals in numbering the articles were changed to the Roman characters.

Mr. Norton moved that the Article on Boundaries be adopted as reported by the Committee on Revision. Mr. Spaunhorst rose to a point of order and stated the bill is on its second reading and to get it out of that order it would require a suspension of the rules. The Chair decided the point of order well taken.

Mr. Taylor of St. Louis moved that the Preamble to the Constitution and the Articles on Boundaries and Bill of Rights be taken up and read a second time, section by section, which was agreed to.

The Preamble and the Article on Boundaries and Bill of Rights were then read by the Secretary a second time.

Mr. Gantt moved to strike out the word "Preamble," which was not agreed to.

Mr. Shields moved the rules be suspended, the Preamble and Articles I and II, be considered engrossed, read a third time and placed upon their passage, which was agreed to.

Mr. Mudd moved that the Convention adjourn until 2 o'clock p. m., which was not agreed to.

The question then recurring on the adoption of the Preamble and Articles I and II as reported by the Committee on Revision, the articles were adopted by the following vote:

AYES

608] Adams	Bradfield	Crockett	Eitzen	Hale
Alexander	Carleton	Davis	Farris	Halliburton
Allen	Chrisman	Edwards	Fyan	Hammond
Boone	Cottey	of Iron	Gantt	Hardin

Hyer	McKillop	Rippey	Rucker	Taylor	
Lay	Norton	Roberts	Shackelford	of St. Louis	
Mabrey	Pipkin	Ross	Shanklin	Wagner	
Massey	Priest	of Morgan	Switzler	Wallace	
Maxey	Ray	Ross	Taylor	Watkins	45
McAfee	Rider	of Polk	of Jasper		
McKee					

NOES

Black	Dysart	Gottschalk	Lackland	Shields	
Broadhead	Edwards	Johnston	Letcher	Spaunhorst	
Conway	of St. Louis	of Nodaway	Mudd	Todd	14
Crews					

ABSENT

Brockmeyer	Johnson	McCabe	Nickerson	6
Holliday	of Cole	Mortell		

ABSENT WITH LEAVE

Dryden	Pulitzer	Mr. President	3

On motion, Articles I and II were ordered enrolled as a part of the Constitution.

Mr. Switzler offered the following resolution:

Resolved, That two copies of the Constitution shall be enrolled, and when the Constitution shall have been finally adopted by this Convention, each of said copies shall be authenticated by the signatures of the President, Vice-President and Secretaries; and the signatures of the members of the Convention, including those opposed and those in favor of the Constitution in the following order: to-wit: *First*, the President; *Second*, the Vice-President; *Third*, the members in alphabetical order with the names of the counties of their residence; and *Fourth*, the attestation of the Secretary and assistant secretary. As soon as the said copies are thus authenticated the Secretary shall deposit one in the office of the Secretary of State, and the other in the office of the clerk of the Supreme Court in the City of Jefferson, taking receipt therefor.

which was read.

Mr. Conway offered the following amendment to the resolution:

Amend by striking out "two copies" wherever it occurs and insert "one" and strike out all in regard to depositing one copy in the office of the Supreme Court.

which was read and rejected.

The question recurring on the adoption of the resolu-
609] tion offered by Mr. Switzler, it was adopted.

Mr. Shields offered the following resolution:

Resolved, That a Committee on Enrolling the Constitution consisting of three members, be appointed by the Chair, whose duty it shall be to see that the same is carefully enrolled and to compare the same when enrolled with the Constitution as adopted, and report the same when completed to the Convention.

which was read and adopted.

Mr. Shanklin moved that the Convention adjourn until tomorrow at 8 o'clock a. m., which was not agreed to.

Mr. Wagner moved that the Convention adjourn until 3 o'clock p. m.

Mr. Spaunhorst moved that the Convention adjourn until 6 o'clock p. m., which was not agreed to.

The Convention then, on the motion of Mr. Wagner, adjourned until 3 o'clock, p. m.

AFTERNOON SESSION.

The Convention met pursuant to adjournment, the Vice-President in the chair.

Mr. Conway, in pursuance of notice, moved to reconsider the vote by which the resolution offered by Mr. Switzler on the seventeenth of June authorizing the printing of three thousand copies of the journal of the Convention was adopted.

The question being on the motion to reconsider and the ayes and noes being demanded by five members, the motion to reconsider was agreed to by the following vote:

AYES

Adams	Conway	Fyan	Johnson	Ross
Allen	Cottey	Gantt	of Cole	of Polk
Black	Crews	Hale	Letcher	Shackelford
Boone	Davis	Halliburton	Maxey	Shields
Bradfield	Dysart	Hardin	McAfee	Taylor
Broadhead	Edwards	Holliday	Rider	of St. Louis
Carleton	of St. Louis	Hyer	Rippey	Todd
Chrisman				Watkins 33

NOES

Alexander	Johnston	Massey	Pipkin	Switzler	
Edwards	of Nodaway	McKee	Priest	Taylor	
of Iron	Lackland	McKillop	Ray	of Jasper	
Eitzen	Lay	Mudd	Shanklin	Wagner	
Gottschalk	Mabrey	Norton	Spaunhorst	Wallace	23
Hammond					

ABSENT

610]	Crockett	McCabe	Roberts	Ross	
Brockmeyer	Farris	Mortell		of Morgan	
				Rucker	8

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

Mr. Massey offered the following amendment to the resolution:

Amend by striking out all after the word "Convention" in the sixth line.

which was read and rejected.

Mr. Lay offered the following amendment to the resolution:

Amend by striking out the words "three thousand" and insert in lieu thereof the words "one thousand" and by adding to the resolution the following words: "and that the same be paid for out of the contingent fund of this Convention."

which was read.

Mr. Boone offered the following amendment to the amendment:

Amend by striking out the words, "one thousand" and insert in lieu thereof the words "five hundred."

which was read.

Mr. Lackland moved to reconsider the vote by which the amendment offered by Mr. Massey was rejected, which was agreed to.

The question then being on the adoption of the amendment offered by Mr. Massey, it was adopted.

Mr. Norton moved that debate close on pending amendments and the resolution, which was agreed to.

The question recurring on the adoption of the amendment offered by Mr. Boone, it was rejected.

Mr. Shields offered the following amendment to the amendment offered by Mr. Lay:

Amend by striking out the words, "and that the same be paid for out of the contingent fund of this Convention."

which was read and adopted.

Mr. Allen moved to postpone the further consideration of the resolution and pending amendment until Friday, June 30, 1875, at 9 o'clock, a. m., which was not agreed to.

Mr. Lay asked leave to withdraw his amendment, which was not agreed to.

611] The question recurring on the adoption of the amendment offered by Mr. Lay, as amended, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES

Adams	Gottschalk	McAfee	Rippey	Taylor	
Alexander	Hale	McKillop	Roberts	of Jasper	
Allen	Halliburton	Mudd	Ross	Taylor	
Black	Hammond	Norton	of Morgan	of St. Louis	
Chrisman	Hardin	Pipkin	Shackelford	Todd	
Cottey	Holliday	Priest	Shanklin	Wagner	
Davis	Hyer	Ray	Shields	Wallace	
Fyan	Lay	Rider	Switzler	Watkins	
Gantt	Maxey				39

NOES

Boone	Crockett	Edwards	Lackland	McKee	
Bradfield	Dysart	of St. Louis	Letcher	Ross	
Conway	Edwards	Eitzen	Mabrey	of Polk	
Crews	of Iron	Johnston	Massey	Spaunhorst	
		of Nodaway			17

ABSENT

Broadhead	Carleton	Johnson	McCabe	Rucker	
Brockmeyer	Farris	of Cole	Mortell		8

ABSENT WITH LEAVE

Dryden	Nickerson	Pulitzer	Mr. President	4

The resolution, as amended, was then adopted.

The Vice-President, in pursuance of the resolution offered by Mr. Shields, announced the following Enrolling Committee: Shields, Carleton, Massey.

Mr. Norton offered the following resolution:

Resolved, That the Committee on Accounts be required to report to this Convention what amount of the contingent fund has been expended and on what account.

which was read and adopted.

Mr. Gottschalk offered the following resolution:

Resolved, That fifteen hundred copies of the proposed new Constitution be printed in the German language.

which was read.

Mr. Norton offered the following amendment to the resolution:

612] Amend by striking out fifteen hundred and insert five thousand and add to the resolution the following, "twenty-five thousand in English."

which was read and adopted.

Mr. Gottschalk offered the following substitute for the resolution as amended:

Resolved, That fifty thousand copies of the new Constitution with the address setting forth the modifications made, be printed for distribution, of which ten thousand are to be in the German language.

which was read.

On motion of Mr. Spaunhorst the further consideration of the resolution and pending amendment was postponed until Friday, July 30, 1875.

On motion of Mr. Halliburton the Convention adjourned until tomorrow, 8 o'clock, a. m.

WEDNESDAY, JULY 28, 1875.

MORNING SESSION.

The Convention met pursuant to adjournment, the President in the chair.

The journal of yesterday was read and approved.

Mr. Davis gave notice that he would move to reconsider the vote by which Article ——— on Limitations upon Legislative Powers, of the report of the Committee on Legislative Department was adopted.

On motion of Mr. McAfee the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Hammond from the Committee on Accounts submitted the following report:

Mr. President: In obedience to the resolution of July 27 requesting the Committee on Accounts to report to this Convention what amount of the contingent fund has been expended and on what account, said Committee has directed me to make the following report:

Warrants have been drawn upon said fund, in favor of the persons, and for the amounts and puposes named as follows:

613] G. N. Nolan, for daily papers from May 14th to July 23rd	$629.30
G. N. Nolan, for toweling and soap for clerk's office	1.90
James B. Clark, page, for services from May 5th to July 12th	172.50
Oscar Guthrie, page, for services from May 10th to July 27th	190.50
A. A. Blumer, night watch, for services from May 5th to June 13th	200.00
Chas. T. Perrie, clerk, for services from May 10th to May 15th	25.00
Lucien Edwards, page, for services from May 8th to 17th	25.00
Prosper LePage, employe, for services from May 5th to July 12th	138.00
I. B. McHenry, employe, for services from May 5th to July 13th	140.00
Watson Chappel, employe, for services from May 5th to July 13th	140.00
Walbridge, Holland and Brown, reporters, for services from May 5th to July 18th	750.00
To same, for transcribing 2250 pages of the proceedings of the Convention	675.00
V. M. Hobbs, clerk, for services from May 5th to July 24th	405.00
C. W. Coombs, clerk, for services from May 13th to July 24th	305.00

John J. Daly & Co., for two warrant-books	$20.00
N. A. Swift & Co., for ice for May and June	23.52
	$3,900.72

Which is respectfully submitted.

C. Hammond, *Chairman.*

which was read and on motion of Mr. Mortell received and laid on the table.

Mr. Lackland moved to reconsider the vote by which the amendment offered by Mr. Conway to the resolution offered by Mr. Switzler, providing that only one copy of the 614] Constitution be enrolled was rejected, which was agreed to.

Mr. Lackland moved to reconsider the vote by which the resolution offered by Mr. Switzler was adopted. The motion to reconsider was agreed to.

On motion of Mr. Rider leave of absence was granted Mr. Maxey.

The question being on the adoption of the amendment offered by Mr. Conway to the resolution offered by Mr. Switzler, it was adopted.

The resolution as amended was then adopted.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee on Revision to which was referred the articles on Distribution of Powers and Legislative Department have instructed me to report that they have carefully considered the same and said articles are herewith reported properly engrossed and printed, July 27, 1875.

A. R. Taylor, *Chairman.*

which was read.

The following articles accompanied the report:

ARTICLE III.

THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial, each of which shall be confided to a separate magistracy; and no person, or collection of persons, charged with the exercise of powers properly belonging to one

of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Section 1. The legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled, "The General Assembly of the State of Missouri."

615] REPRESENTATION AND APPORTIONMENT.

Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times said ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

Section 3. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: *Provided*, That when any county shall be entitled to more than ten Representatives, the Circuit Court shall cause such county to be subdivided into districts, so as to give each district not less than two, nor more than four Representatives, who shall be residents of such district—the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

Section 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent, one year next before the 616] day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election.

Section 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years.

For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

Section 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent, one year next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.

Section 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census by the United States shall have been taken, and the result thereof as to this State ascertained, when the apportionment, shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census; or if such be not taken, or is delayed, then on the basis of a State census; such apportionment to be made at the first session of the General Assembly after each such census: *Provided*, That if at any time, or from any cause, the General Assembly shall fail or refuse to district the State for Senators, **617**] as required in this section, it shall be the duty of the Governor, Secretary of State and Attorney General within thirty days after the adjournment of the General Assembly on which such duty devolved, to perform said duty, and to file in the office of the Secretary of State a full statement of the districts formed by them, including the names of the counties embraced in each district, and the numbers thereof; said statement to be signed by them, and attested by the Great Seal of the State, and upon the proclamation of the Governor, the same shall be as binding and effectual as if done by the General Assembly.

Section 8. Until an apportionment of Representatives can be made in accordance with the provisions of this article, the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State, as follows: The county of St. Louis shall have seventeen; the county of Jackson four; the county of Buchanan three; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike and Saline each two, and each of the other counties in the State one.

Section 9. Senatorial and representative districts may be altered, from time to time, as public convenience may require. When any senatorial district shall be composed of two or more counties, they shall be contiguous; such districts to be as compact as may be, and in the formation of the same no county shall be divided.

Section 10. The first election of Senators and Representatives under this Constitution shall be held at the general election in the year 1876, when the whole number of Representatives, and the Senators from the districts having odd numbers, who shall compose the first class, shall be chosen; and in 1878, the Senators from the districts having even numbers, who shall compose the second class, and so on at each succeeding general election, half the Senators provided for by this Constitution shall be chosen.

Section 11. Until the State shall be divided into senatorial dis-
618] tricts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The First District shall be composed of the counties of Andrew, Holt, Nodaway and Atchison.

Second District—The counties of Buchanan, DeKalb, Gentry and Worth.

Third District—The counties of Clay, Clinton and Platte.

Fourth District—The counties of Caldwell, Ray, Daviess and Harrison.

Fifth District—The counties of Livingston, Grundy, Mercer and Carroll.

Sixth District—The counties of Linn, Sullivan, Putnam and Chariton.

Seventh District—The counties of Randolph, Howard and Monroe.

Eighth District—The counties of Adair, Macon and Schuyler.

Ninth District—The counties of Audrain, Boone and Callaway.

Tenth District—The counties of St. Charles and Warren.

Eleventh District—The counties of Pike, Lincoln and Montgomery.

Twelfth District—The counties of Lewis, Clark, Scotland and Knox.

Thirteenth District—The counties of Marion, Shelby and Ralls.

Fourteenth District—The counties of Bates, Cass and Henry.

Fifteenth District—The county of Jackson.

Sixteenth District—The counties of Vernon, Barton, Jasper, Newton and McDonald.

Seventeenth District—The counties of Lafayette and Johnson.

Eighteenth District—The counties of Greene, Lawrence, Barry, Stone and Christian.

Nineteenth District—The counties of Saline, Pettis and Benton.

Twentieth District—The counties of Polk, Hickory, Dallas, Dade, Cedar and St. Clair.

619] Twenty-first District—The counties of Laclede, Webster, Wright, Texas, Douglas, Taney, Ozark and Howell.

Twenty-second District—The counties of Phelps, Miller, Maries, Camden, Pulaski, Crawford and Dent.

Twenty-third District—The counties of Cape Girardeau, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Scott.

Twenty-fourth District—The counties of Iron, Madison, Bollinger, Wayne, Butler, Reynolds, Carter, Ripley, Oregon and Shannon.

Twenty-fifth District—The counties of Franklin, Gasconade and Osage.

Twenty-sixth District—The counties of Washington, Jefferson, St. Francois, Ste. Genevieve and Perry.

Twenty-eighth District—The counties of Cooper, Moniteau, Morgan and Cole.

St. Louis county shall be divided into seven districts, numbered, respectively, as follows: Twenty-seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth.

Section 12. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof (militia officers, justices of the peace, and notaries public excepted), shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress.

Section 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

Section 14. Writs of election to fill such vacancies as may offer in either house of the General Assembly, shall be issued by the Governor.

Section 15. Every Senator and Representative-elect, before entering upon the duties of his office shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the 620] Constitution of the United States, and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money, or other valuable thing, for the performance or non-performance of any acts or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme Court, or the circuit court, or the county court of Cole county, or after the organization, by the presiding officer of either house, and shall be filed in the office of the Secretary of State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

Section 16. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not to exceed five dollars per day for the first seventy days of each session, and after that not to exceed one dollar per day for the remainder of the session, except the first session held under this Constitution, and during revising sessions, when they may receive five dollars per day for one hundred and twenty days, and one dollar per day for the remainder of such sessions. In addition to per diem, the members shall be entitled to receive traveling expenses or mileage, for any regular and extra session not greater than now provided by law; but no member shall be entitled to traveling expenses or mileage for any extra session that may be called within one day

after an adjournment of a regular session. Committees of either house or joint committees of both houses, appointed to examine the institutions of the State, other than those at the seat of government, may receive their actual expenses, necessarily incurred while in the performance of such duty; the items of such expenses to be returned to the chairman of such committee, and by him certified to the State Auditor before the 621] same, or any part thereof, can be paid. Each member may receive at each regular session an additional sum of thirty dollars, which shall be in full for all stationery used in his official capacity, and all postage, and all other incidental expenses and perquisites, and no allowance or emoluments, for any purpose whatever, shall be made to, or received by the members, or any member of either house, or for their use, out of the contingent fund or otherwise, except as herein expressly provided; and no allowance or emolument, for any purpose whatever, shall ever be paid to any officer, agent, servant, or employe of either house of the General Assembly, or of any committee thereof, except such per diem as may be provided for by law, not to exceed five dollars.

Section 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail and not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behaviour in its presence during its sessions; may punish its members for disorderly conduct; and with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

Section 18. A majority of the whole number of members of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 19. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

Section 20. The General Assembly elected in the year one thousand eight hundred and seventy-six shall meet on the first Wednesday after the first day of January, one thousand eight hundred and seventy-seven; and thereafter the General Assembly shall meet in regular session once 622] only in every two years; and such meeting shall be on the first Wednesday after the first day of January next after the elections of the members thereof.

Section 21. Every adjournment or recess taken by the General Assembly for more than three days, shall have the effect of and be an adjournment *sine die*.

Section 22. Every adjournment or recess taken by the General Assembly for three days or less, shall be construed as not interrupting the session at which they are had or taken, but as continuing the session for all the purposes mentioned in Section sixteen of this article.

Section 23. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

LEGISLATIVE PROCEEDINGS.

Section 24. The style of the laws of this State shall be: "*Be it enacted by the General Assembly of the State of Missouri, as follows:*"

Section 25. No law shall be passed except by bill, and no bill shall be so amended, in its passage through either house, as to change its original purpose.

Section 26. Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house.

Section 27. No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.

Section 28. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of Section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title.

Section 29. All amendments adopted by either house to a bill pending and originating in the same, shall be incorporated with the bill **623**] by engrossment, and the bill as thus engrossed, shall be printed for the use of the members before its final passage. The engrossing and printing shall be under the supervision of a committee, whose report to the house shall set forth, in writing, that they find the bill truly engrossed, and that the printed copy furnished to the members is correct.

Section 30. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision, as provided in the next preceding section, for the use of the members before final action on such amendments.

Section 31. No bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Section 32. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

Section 33. No act shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original act.

Section 34. No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted or that designated words be stricken out and others inserted in lieu thereof: but the words to be stricken out or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

624] Section 35. When a bill is upon its final passage in either house, and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the house proceeds to any other business.

Section 36. No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by ayes and nays and entered upon the journal.

Section 37. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read and that, if no objections be made, he will sign the same to the end that it may become a law. The bill shall then be read at length, and if no objections be made, he shall, in presence of the house, in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal, and the bill immediately sent to the other house. When it reaches the other house, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceedings shall thereupon be observed, in every respect, as in the house in which it was first signed. If in either house any member shall object that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the house, or that any particular clause of this article of the Constitution has been violated in its passage, such objection shall be passed upon by **625**] the house, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any five members may embody the same, over their signatures, in a written protest, under oath, against the signing of the bill. Said protest when offered in the house shall be noted upon the journal, and the original shall be annexed to the bill to be considered by the Governor in connection therewith. If the bill be signed by the Governor, or passed notwithstanding his objections thereto, it shall be the duty of the Supreme Court, upon proceedings commenced at any time within thirty days thereafter at the information, under oath, of any three of the protesting members, to inquire judicially, and without delay, into the truth of the facts alleged in such protest, and if found true, the bill or act to which the protest relates shall be declared null and void, and the costs of the pro-

ceedings, shall be adjudged against the State; but if not proved to the satisfaction of the court, the protest shall be declared a nullity, and the costs shall be adjudged against the informants; but the act shall not cease to operate as law until said court shall have declared it null and void. If at the time of filing such information the Supreme Court is not in session, it shall immediately convene for the purpose of hearing and determining the case.

Section 38. When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person, on the same day on which it was signed as aforesaid, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor and returned within ten days to the house in which the same originated, with the approval of the Governor, shall become a law, unless it be in violation of some provision of this Constitution.

Section 39. Every bill presented as aforesaid, but returned with-
626] out the approval of the Governor, and with his objections thereto, shall stand as reconsidered in the house to which it was returned. The house shall cause the objections of the Governor to be entered at large upon the journal, and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal, and if two-thirds of all the members elected to the house vote in the affirmative, the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house, in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of the votes of all the members elected to that house, the vote being taken by yeas and nays, the presiding officer thereof shall, in like manner certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act, and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

Section 40. Whenever the Governor shall fail to perform his duty, as prescribed in Section twelve, Article V of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may, by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: *Provided*, That such joint resolution shall not be submitted to the Governor for his approval.

Section 41. Within five years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct; and a like revision, digest and promulgation, shall be made at the expiration of every subsequent period of ten years.

Section 42. Each house shall, from time to time, publish a journal
627] of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.

LIMITATION ON LEGISLATIVE POWER.

Section 43. All revenue collected and moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

First, For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

Second, For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

Third, For free public school purposes.

Fourth, For the payment of the cost of assessing and collecting the revenue.

Fifth, For the payment of the civil list.

Sixth, For the support of the eleemosynary institutions of the State.

Seventh, For the pay of the General Assembly, and such other purposes not herein prohibited, as it may deem necessary; but no General Assembly shall have power to make any appropriation of money for any purpose whatsoever until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

Section 44. The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof except
628] in the following cases:

First, In renewal of existing bonds when they can not be paid at maturity out of the sinking fund or other resources.

Second, On the occurring of an unforeseen emergency, or casual deficiency of the revenue when the temporary liability incurred upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year, to be paid in not more than two years from and after its creation.

Third, On the occurring of any unforeseen emergency or casual deficiency of the revenue, when the temporary liability incurred or to be incurred shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act, providing for the loan, or for the contracting of the liability, and containing a provision for levying a tax sufficient to pay the interest and principal

when they become due (the latter is not more than thirteen years from the date of its creation), to the qualified voters of the State, and when the act so submitted shall have been ratified by a two-thirds majority, at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrepealable until the debt thereby incurred shall be paid, principal and interest.

Section 45. The General Assembly shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

Section 46. The General Assembly shall have no power to make any grant, or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other 629] corporation whatsoever: *Provided*, That this shall not be so construed as to prevent the grant of aid in a case of public calamity.

Section 47. The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company.

Section 48. The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant, or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law and all such unauthorized agreements or contracts shall be null and void.

Section 49. The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State, in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

Section 50. The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

Section 51. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State, or to any county or other municipal corporation therein.

Section 52. The General Assembly shall have no power to make 630] any appropriation of money, or to issue any bonds or other evi-

dences of indebtedness for the payment or on account, or in recognition of any claims audited, or that may hereafter be audited by virtue of an act entitled, "An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been presented to, and paid by the Government of the United States to the State of Missouri.

Section 53. The General Assembly shall not pass any local or special law:

(1) Authorizing the creation, extension or impairing of liens:

(2) Regulating the affairs of counties, cities, townships, wards or school districts:

(3) Changing the names of persons or places:

(4) Changing the venue in civil or criminal cases:

(5) Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

(6) Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges, crossing streams which form boundaries between this and any other State:

(7) Vacating roads, town plats, streets or alleys:

(8) Relating to cemeteries, graveyards or public grounds not of the State:

(9) Authorizing the adoption or legitimation of children:

(10) Locating or changing county seats:

(11) Incorporating cities, towns or villages, or changing their charters:

(12) For the opening and conducting of elections, or fixing or changing the places of voting:

(13) Granting divorces:

(14) Erecting new townships, or changing township lines, or the lines of school districts:

(15) Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts:

(16) Changing the law of descent or succession:

(17) Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforc-
631] ing of judgments, or prescribing the effect of judicial sales of real estate:

(18) Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

(19) Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes:

(20) Fixing the rate of interest:

(21) Affecting the estates of minors or persons under disability:

(22) Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

(23) Exempting property from taxation:

(24) Regulating labor, trade, mining or manufacturing:

(25) Creating corporations, or amending, renewing, extending or explaining the charter thereof:

(26) Granting to any corporation, association or individual any special or exclusive rights, privilege or immunity, or to any corporation, association or individual, the right to lay down a railroad track:

(27) Declaring any named person of age:

(28) Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their official duties, or their securities from liability:

(29) Giving effect to informal or invalid wills or deeds:

(30) Summoning or empaneling grand or petit juries:

(31) For limitation of civil actions:

(32) Legalizing the unauthorized or invalid acts of any officer or agent of the State, or in any county or municipality thereof. In all other cases, where a general law can be made applicable, no local or special law shall be enacted; and whether a general law could have been made applicable in any case, is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject:

(33) Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Section 54. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality **632**] where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shal be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law, the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed, and the notice shall be recited in the act according to its tenor.

Section 55. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.

Section 56. The General Assembly shall have no power to remove the seat of government of this State from the City of Jefferson.

Mr. Norton moved that Article III on the Distribution of Powers be taken up, and read the first time, which was agreed to.

On motion of Mr. Conway leave of absence was granted Messrs. Shanklin and Taylor of St. Louis.

Mr. Norton moved that the rule be suspended, the

article considered engrossed, read a second time and placed on its passage, which was agreed to.

Mr. Gantt moved to strike out the comma after the word "judicial" in the second line and insert in lieu thereof a semicolon, which was rejected.

The question recurring on the adoption of Article III it was adopted by the following vote:

AYES

Adams	Crockett	Hammond	Mudd	Rucker	
Alexander	Davis	Hardin	Nickerson	Shackelford	
Allen	Edwards	Holliday	Norton	Shields	
Black	of Iron	Hyer	Pipkin	Spaunhorst	
Boone	Edwards	Lackland	Priest	Switzler	
Bradfield	of St. Louis	Letcher	Ray	Taylor	
Broadhead	Eitzen	Mabrey	Rider	of Jasper	
Carleton	Fyan	Massey	Rippey	Todd	
Chrisman	Gantt	Maxey	Ross	Wagner	
Conway	Gottschalk	McAfee	of Morgan	Wallace	
Cottey	Hale	McKillop	Ross	Watkins	
Crews	Halliburton	Mortell	of Polk	Mr. President	
					55

NOES

633] McKee 1

ABSENT

Brockmeyer	Johnson	Johnston	Lay	McKee	
Farris	of Cole	of Nodaway	McCabe	Roberts	8

ABSENT WITH LEAVE

Dryden Pulitzer 2

PAIRED OFF

Shanklin Taylor of St. Louis 2

Mr. Ross of Polk moved that Article III on the Distribution of Powers be enrolled as a part of the Constitution, which was agreed to.

Mr. Conway moved that Article IV be taken up, which was agreed to.

Mr. Halliburton moved that the rule be suspended and Article IV be considered engrossed and read a second time, which was agreed to.

Mr. Shields in pursuance to notice, moved to reconsider the vote by which Section two of Article IV was adopted. Mr. Norton moved to lay the motion to reconsider on the table. The ayes and noes being demanded by five members, the motion to lay on the table was adopted by the following vote:

AYES.

Alexander	Edwards	Holliday	Nickerson	Roberts
Boone	of Iron	Hyer	Norton	Ross
Bradfield	Eitzen	Lay	Pipkin	of Polk
Carleton	Farris	Mabrey	Priest	Taylor
Conway	Fyan	Massey	Ray	of Jasper
Cottey	Halliburton	McAfee	Rider	Wagner
Crockett	Hammond	McKillop	Rippey	Mr. President
Davis				33

NOES.

Adams	Dysart	Hale	Mortell	Shields
Allen	Edwards	Hardin	Mudd	Spaunhorst
Black	of St. Louis	Lackland	Ross	Switzler
Broadhead	Gantt	Letcher	of Morgan	Todd
Chrisman	Gottschalk	McKee	Shackelford	Wallace
Crews				24

ABSENT.

Brockmeyer	Johnson	Johnston	McCabe	Watkins
	of Cole	of Nodaway	Rucker	6

ABSENT WITH LEAVE.

Dryden	Pulitzer	Shanklin	Taylor	
Maxey			of St. Louis	5

In pursuance to notice, Mr. Adams moved to reconsider the vote by which Section thirty-seven on Legislation Proceedings of Article IV was adopted. The ayes and noes being demanded by five members, the motion to reconsider **634**] was adopted by the following vote:

AYES.

Adams	Chrisman	Edwards	Hardin	Massey
Alexander	Conway	of St. Louis	Holliday	McKee
Black	Davis	Farris	Lackland	McKillop
Boone	Edwards	Hale	Lay	Mortell
Bradfield	of Iron	Hammond	Mabrey	Nickerson
Broadhead				

Norton	Roberts	Ross	Shields	Wallace
Pipkin	Ross	of Polk	Switzler	Watkins
Priest	of Morgan	Rucker	Taylor	Mr. President
Ray		Shackelford	of Jasper	39

NOES.

Allen	Dysart	Gottschalk	McAfee	Spaunhorst
Carleton	Eitzen	Halliburton	Mudd	Todd
Crews	Fyan	Hyer	Rider	Wagner
Crockett	Gantt	Letcher	Rippey	19

ABSENT.

Brockmeyer	Johnson	Johnston	McCabe	
Cottey	of Cole	of Nodaway		5

ABSENT WITH LEAVE.

Dryden	Pulitzer	Taylor	
Maxey	Shanklin	of St. Louis	5

Mr. Adams offered the following amendment to Section thirty-seven:

Amend by striking out the words, "and form", in the thirteenth line and also strike out all after the word "therewith" in the twentieth line.

which was read.

Mr. Norton moved that debate close on pending amendment, which was agreed to.

The question being on the adoption of the amendment offered by Mr. Adams, Mr. Halliburton called for a division of the question. The question being on the adoption of that part of the amendment on striking out the words, "and form," and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES.

Adams	Black	Farris	Lay	Ross
Alexander	Chrisman	Holliday	Massey	of Morgan
				Wallace 10

NOES.

Allen	Carleton	Crockett	Edwards	Eitzen
Boone	Conway	Davis	of Iron	Fyan
Bradfield	Cottey	Dysart	Edwards	Gantt
Broadhead	Crews		of St. Louis	Gottschalk

Hale	Lackland	Mudd	Roberts	Switzler
Halliburton	Letcher	Norton	Ross	Taylor
Hammond	Mabrey	Pipkin	of Polk	of Jasper
Hardin	McAfee	Priest	Rucker	Todd
Hyer	McKee	Ray	Shackelford	Wagner
Johnson	McKillop	Rider	Shields	Watkins
of Cole	Mortell	Rippey	Spaunhorst	Mr. President

49

ABSENT.

635]	Johnston	McCabe	
Brockmeyer	of Nodaway	Nickerson	4

ABSENT WITH LEAVE.

Dryden	Pulitzer	Taylor	
Maxey	Shanklin	of St. Louis	5

The question then being on the adoption of that portion of the amendment striking out all after the word "therewith" in the twentieth line, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES.

Adams	Cottey	Hardin	Nickerson	Ross
Alexander	Crockett	Holliday	Norton	of Polk
Black	Davis	Johnson	Pipkin	Rucker
Boone	Dryden	of Cole	Priest	Shackelford
Bradfield	Edwards	Lackland	Ray	Shields
Broadhead	of Iron	Lay	Roberts	Spaunhorst
Carleton	Farris	Mabrey	Ross	Taylor
Chrisman	Hale	Massey	of Morgan	of Jasper
Conway	Hammond	Mortell		Wallace
				Watkins 40

NOES.

Allen	Eitzen	Hyer	McKillop	Switzler
Crews	Fyan	Letcher	Mudd	Todd
Dysart	Gantt	McAfee	Rider	Wagner
Edwards	Gottschalk	McKee	Rippey	Mr. President
of St. Louis	Halliburton			21

ABSENT.

Brockmeyer	Johnston	McCabe	
	of Nodaway		3

ABSENT WITH LEAVE.

Maxey	Pulitzer	Shanklin	Taylor of St. Louis — 4

Mr. Hale offered the following amendment to Section thirty-seven:

Amend by striking out the words, "in substance and form," in the thirteenth line.

which was read and rejected.

Mr. Lackland offered the following amendment to Section thirty-seven:

Amend by striking out all after the word "signature" in the tenth line and insert in lieu thereof the words, "but if not sustained he shall sign said bill."

which was read.

Mr. Broadhead moved that debate close on the pending amendment, which was agreed to.

The question recurring on the adoption of the amendment and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES.

636]	Edwards	Holliday	Lackland	Wallace
Broadhead	of Iron	Johnson	Lay	Watkins
Conway	Hale	of Cole	Massey	11

NOES.

Adams	Davis	Hardin	Priest	Spaunhorst
Alexander	Dysart	Hyer	Rider	Switzler
Allen	Edwards	Mabrey	Rippey	Taylor
Boone	of St. Louis	McAfee	Roberts	of Jasper
Bradfield	Eitzen	McKee	Ross	Todd
Carleton	Fyan	McKillop	of Morgan	Wagner
Chrisman	Gantt	Mortell	Ross	Mr. President
Cottey	Gottschalk	Mudd	of Polk	43
Crews	Halliburton	Norton	Rucker	
Crockett	Hammond	Pipkin	Shackelford	

ABSENT.

Black	Farris	Letcher	Ray	Taylor
Brockmeyer	Johnston	McCabe	Shanklin	of St. Louis
Dryden	of Nodaway	Nickerson	Shields	12

ABSENT WITH LEAVE.

Maxey	Pulitzer	2

Mr. Holliday offered the following amendment to Section thirty-seven:

Amend by striking out Section thirty-seven from Legislative Proceedings.

which was read.

Mr. Halliburton moved to adjourn until tomorrow at 8 o'clock, a. m.

Mr. Norton moved to adjourn until 8 o'clock, p. m.

The question being on the motion to adjourn until tomorrow at 8 o'clock, a. m., it was rejected.

The question then recurring on the motion of Mr. Norton to adjourn until 8 o'clock, p. m., it was rejected.

Mr. Taylor of Jasper moved the previous question, which was ordered. The question recurring on the adoption of the amendment offered by Mr. Holliday, and the ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES.

Broadhead	Hale	Holliday	Taylor	Watkins	
Conway	Hammond	Lay	of St. Louis		12
Edwards	Hardin	Massey	Wallace		
of Iron					

NOES.

Adams	Davis	Johnson	Pipkin	Shanklin	
Alexander	Dryden	of Cole	Priest	Shields	
Allen	Dysart	Lackland	Rider	Spaunhorst	
Black	Edwards	Mabrey	Rippey	Switzler	
Boone	of St. Louis	McAfee	Roberts	Taylor	
Bradfield	Eitzen	McKee	Ross	of Jasper	
Carleton	Fyan	McKillop	of Morgan	Todd	
Chrisman	Gantt	Mortell	Ross	Wagner	
Cottey	Gottschalk	Mudd	of Polk	Mr. President	
Crews	Halliburton	Nickerson	Rucker		48
Crockett	Hyer	Norton	Shackelford		

ABSENT.

637]	Brockmeyer	Johnston	Letcher	Ray	
	Farris	of Nodaway	McCabe		6

ABSENT WITH LEAVE.

Maxey Pulitzer 2

Section thirty-seven as amended was then adopted.

Mr. Davis moved to adjourn until tomorrow at 8 o'clock, a. m., which was not agreed to.

By unanimous consent of the Convention, Mr. Davis moved to reconsider the vote by which Section forty-three of Article IV on Limitation upon Legislative Power was adopted.

On motion of Mr. Hardin the Convention adjourned until tomorrow at 8 o'clock, a. m.

THURSDAY, JULY 29, 1875.

MORNING SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Barrett.

The journal of yesterday was read and approved.

Mr. Hammond gave notice that when the Article on Miscellaneous Provisions was reported back from the Committee on Revision he would offer a new section.

Under the suspension of the rule, Mr. Crews called up his new section providing for a court of claims in the State of Missouri, which was, on motion, referred to a special committee of three.

Mr. Dysart gave notice that he would move to reconsider the vote by which Sections three and four of the Article on Boundaries and Political Subdivisions, was adopted.

The Convention resumed the consideration of Section forty-three of Article IV pending at adjournment.

On motion of Mr. Rippey leave of absence was granted Mr. McKee.

On motion of Mr. Lackland leave of absence was granted Mr. Dryden.

The question recurring on the motion to reconsider the vote by which Section forty-three of Article IV was adopted, and the ayes and noes being demanded by five members, 638] the motion to reconsider was rejected by the following vote:

AYES.

Black	Crews	Hardin	Ross	Shields
Bradfield	Davis	Holliday	of Morgan	Switzler
Broadhead	Fyan	Mabrey	Ross	Wallace
Chrisman	Hale	McAfee	of Polk	Mr. President
Conway	Hammond	Rider	Rucker	

22

NOES.

Adams	Edwards	Johnson	Nickerson	Spaunhorst
Alexander	of Iron	of Cole	Norton	Taylor
Allen	Edwards	Lackland	Pipkin	of Jasper
Boone	of St. Louis	Lay	Priest	Taylor
Carleton	Eitzen	Letcher	Ray	of St. Louis
Cottey	Gantt	Massey	Rippey	Todd
Crockett	Gottschalk	Maxey	Roberts	Wagner
Dysart	Halliburton	McKillop	Shackelford	Watkins
	Hyer	Mudd	Shanklin	38

ABSENT.

Brockmeyer	Johnston	McCabe	
Farris	of Nodaway	Mortell	5

ABSENT WITH LEAVE.

Dryden	McKee	Pulitzer	3

Mr. Wallace offered the following as a new section to Article IV:

Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

which was read, and on motion referred to the Committee on Miscellaneous Provisions.

Mr. Spaunhorst moved that Article IV be considered engrossed, read a second time, and placed on its passage, which was agreed to.

Article IV was then adopted by the following vote:

AYES.

Adams	Edwards	Lackland	Ray	Shanklin
Alexander	of Iron	Lay	Rider	Taylor
Boone	Eitzen	Mabrey	Rippey	of Jasper
Bradfield	Fyan	Maxey	Roberts	Wagner
Carleton	Gantt	McAfee	Ross	Watkins
Conway	Halliburton	McKillop	of Morgan	Mr. President
Cottey	Hammond	Nickerson	Ross	43
Crockett	Hyer	Norton	of Polk	
Davis	Johnson	Pipkin	Rucker	
Dysart	of Cole	Priest	Shackelford	

NOES.

Broadhead	Edwards	Hardin	Shields	Taylor
Chrisman	of St. Louis	Holliday	Spaunhorst	of St. Louis
Crews	Gottschalk	Letcher	Switzler	Todd
	Hale	Mudd		16

ABSENT.

639] Allen	Farris	McCabe	
Brockmeyer	Johnston	Mortell	
	of Nodaway		6

ABSENT WITH LEAVE.

Dryden	McKee	Pulitzer	3

Mr. Gottschalk, from the Committee on Separate Propositions, submitted the following report, also the views of the minority of said Committee:

To the Constitutional Convention of Missouri.

Mr. President: Your Committee on Propositions Separately to be Submitted to a Vote of the People, has by a majority vote instructed me to report that it deems the separate submission of propositions not to be authorized by the Constitution and existing law, and also that it deems such separate submission to be inexpedient, and it therefore recommends that none of these, heretofore referred to your Committee should pass, but that all of them be laid on the table.

Respectfully,

Louis Gottschalk, *Chairman.*

The majority and minority reports are herewith annexed in detail.

MAJORITY REPORT.

Mr. President: The majority of the Committee on Separate Propositions asks leave to make the following report: That by the terms of the third section of the twelfth article of the Constitution of 1865 (under the provisions of which this Convention is called) we are authorized to revise and amend the Constitution and submit it to a vote of the people, and by the act of the General Assembly calling this Convention, it is provided that any one article of the Constitution we may frame may be submitted separately. The majority of the Committee are divided in opinion as to whether the General Assembly in the act referred to had the power to authorize or require this body to submit the instrument we are framing separately by articles. The language of the third section of the twelfth article of the Constitution does not contemplate any separate 640] submissions. The preceding section, Section two, does not provide for separate articles or amendments to be framed and requires that all such shall be separately submitted, but it further provides that this shall be done by the General Assembly. While the Committee entertains grave doubts as to the authority of this body to submit its work for ratification separately by detached parts or articles, it does not deem it necessary to make any report upon the expediency of so doing, for the reason that no proposition on that subject has been referred to it, nor indeed has there to its knowledge been any suggestion of the kind made to the Convention. There has been referred to the Committee a proposition to leave a blank in the Constitution on the subject of representation, and then frame and submit two articles on that subject outside of the instrument and the two plans compete for the place so left. Another has been referred to the Committee similar to the above. It proposes that we make and submit a constitution complete in all its parts and then frame an outside article on representation, submit it to a vote and let it compete with the article inside the Constitution. Upon the expediency of adopting either of the plans suggested and of the authority to do so, the Committee stands six against it, one member holding different.

Views: The majority of the Committee is of the opinion, and so reports, that this body has no authority to submit either of the propositions referred to it, or any other outside competing proposition. In considering this subject care should be taken not to confound separate submissions of articles of the Constitution we may agree upon, such as seem to be contemplated by the act of the General Assembly, with separate outside competing, such as are contemplated by the plans referred to the Committee. Outside competing propositions contemplate the framing of other articles (after we have made a constitution complete) different from and inconsistent with the article on that subject inside the S. 1] instrument. To illustrate, we have agreed upon the article on the subject of education and placed it in the Constitution. There is already an article on that subject in the existing Constitution. These two articles on education will be before the people for them to choose between. Now if we frame still another article on that subject and submit it outside of

the Constitution, that would be placing before the people three distinct and different propositions upon the subject of education, and this is just what the Convention is urged to do on the subject of representation. If we frame and submit the district plan of representation or any plan other than agreed upon and submit it outside of the Constitution, we will be placing before the people three propositions on the same subject. Now the question arises, have we the authority to do anything of the kind? To determine the extent of the power of this body, it is necessary to inquire what kind of a convention is this. A distinguished writer on this subject says, "There are two kinds of conventions, one is a revolutionary convention; the other a body called into existence by and through the agencies of the law, and as distinguishing it from a revolutionary convention, is called a 'constitutional one,' not because it may have been called to frame a constitution, but because it assembles by authority of an existing constitution and in pursuance of law and because its actions and duties and powers are governed, controlled, and limited by law. A revolutionary convention is what its name implies 'a part of revolution.' If it consists of a body of men who in times of great political crises assume or have cast upon them the functions of government, it is governed by its own discretion. It may in its undefined discretion supplant existing governmental organizations. Its acts debar the law. It is not subaltern or ancillary to any other department. It is not sworn or obligated to support any law, or if so obligated, has absolved itself from observing either the law or the obligation. In short, a revolutionary convention is simply a provisional government." The Committee has no hesitation in saying that this is not such a Convention as that above defined. This body is charged with a definite and not a discretionary function. It acts under a commission for a purpose, not only definitely ascertained, but limited by the Constitution and the law, which its members have been sworn to support, and whenever this body attempts to do anything not specifically prescribed that it may do by the Constitution and law, whenever it in the least degree enters upon that dangerous, undefined and arbitrary discretion before referred to, it, to that extent at least, becomes "revolutionary." The authority and duties of this body are plainly defined and without in the least degree transcending our power, even by S. 2] implication, we can and should do that which the people sent us here to do, viz: To frame and submit a constitution, complete and perfect in its arrangement, and not two constitutions, and not two parts of a constitution, not two different articles on the same subject, but one article on each and every subject required by the people to be in constitutions heretofore. If we fall short of this, we fall short to discharge our duty; if we do more, we transcend our powers and do that which the people did not send us here to do. Our duty is to frame such a constitution as will suit the wants of the people, and we have no right to fish about hunting their opinions by submitting to them more than one article on the same subject. It is submitted by the Committee that if we have the power to submit two articles on one subject then we have the power to submit two on every other subject, which would amount to submitting two con-

stitutions and the power to do this involves the authority to submit a score or more constitutions, and the propriety or policy that would dictate the submission of two articles on the same subject involves the policy of submitting two or more complete constitutions, for our journal will show that the representatives of the people on this floor have not agreed unanimously upon anything we have done. Further, the majority of the Committee is of the opinion that if the Convention has the authority to submit these outside competing propositions, that it would be highly inexpedient to do so, that it would load down the instrument with a dead weight that would endanger its adoption. The people in many sections of the State would see in the separate proposition a scheme to deprive them of county representation which would render our whole work unpopular with them. They would at once see that if the Constitution were defeated, that county representation would be saved, and they might and very probably would conclude that they might have more aid in defeating the Constitution than they would have in defeating the separate amendment, and would therefore seek to vote down the whole instrument to avoid the effects of the outside proposition. The plan would be undoubtedly very unpopular in the country districts and we have every reason to believe that this district plan referred to us would not be satisfactory to the people of St. Louis. It does not give to that city as great relative power in the General Assembly as the plan of the majority report. Again, these outside, separate propositions would have the tendency to draw attention from the main features of the Constitution, get up side issues, create bitterness and prejudice in one section against another, which the Committee fears would be detrimental to the prosperity of the State and to the harmony of her citizens and would be a serious impediment to the adoption of the Constitution in many portions of the State. This district plan can at any time be submitted as S. 3] an amendment, under the provisions of the Constitution we are making, by the Legislature, when its merits can be tested without endangering the adoption of the provisions of our work, which are of more real practical benefit than any question of representation. Thereupon, the Committee is of the opinion that it would be highly inexpedient to submit with the Constitution any outside competing proposition, any subject inconsistent with any article we have placed in the Constitution on the same subject, and it does not believe the Convention, constituted as it is, has the power to do so. No other proposition of the character of those above referred to it, but several others of a like nature have been suggested which doubtless would claim action by the Committee if the Convention should decide that it has the power and that it is expedient to submit outside competing articles, among which, is the abolition of the grand jury system, *viva voce* voting, aid to the State University, woman suffrage, etc., some of which have by the votes of members manifested greater strength than this district plan of representation. The question of a poll or capitation tax is not of the nature of a competing proposition, for the reason that there is nothing in the Constitution inconsistent with that subject. But the majority is of the opinion that

it would be improper to clog and weight down the Constitution, and thus endanger its adoption, by submitting any of these measures. It therefore reports back the said matters referred to it and recommends they be laid upon the table.

C. B. McAfee, *for the Majority.*

MINORITY REPORT.

Mr. President: The undersigned member of your Committee on Propositions Separately to be Submitted, being unable to agree with the report of the majority, deems it but just and proper to briefly state the reasons which led him to a different conclusion. The propositions referred to your Committee naturally present these questions: *First*, as to the right of this Convention under the existing Constitution and laws to submit any proposition, whether in accordance or in conflict with other provisions of the Constitution, to a vote of the people separately from that required for the Constitution; and *Second*, as to the propriety and expediency of so submitting the same. As to the first of these questions it has on several occasions been urged on the floor of this Convention, as well as in committee, that this Convention had no such power as is therein contemplated. While the undersigned never entertained any doubt of the right of this Convention in that respect, deeming the same to be self evident, yet the opposing views have been urged with such earnestness and tenacity that a short review of the reasons for entertaining a different opinion seems to be called for. It will be S.4] conceded that in a republican form of government the right and power to change the same remains with the people. The present Constitution of 1865 expressly and perhaps unnecessarily provides this by declaring in Sections four and five as follows: "Section 4. That all political power is vested in and derived from the people; is founded upon their will only, and is instituted solely for the good of the whole: Section 5. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States:" and the proposed new constitution embodies the same principles in similar language. The mode of altering and abolishing the government or the constitution in a peaceable, not revolutionary manner, is provided for in Article XII of the same instrument, which prescribes two methods: *First*, that amendments may be proposed by the Legislature, which, if ratified by the people, become a part of the Constitution, and *Secondly*, that a convention should be called for the purpose of revising and amending the Constitution, and which convention shall also submit their work, when completed, to a vote of the people, to be either adopted or rejected by the same. It cannot, therefore, be a matter of controversy, but that it is the people who have the power, as well as in this instance, the desire to change their present Constitution. They are sovereign

in that respect, may change it, just as they will, subject only to the Constitution and laws of the United States. For the purpose of modifying or enacting a new one they have called this Convention and elected us as their delegates, but our work amounts to nothing if not ratified by the people. It is our province to make propositions to the people; it is their exclusive province to adopt or reject them. We, as delegates, simply constitute a committee of citizens to prepare the work for our constitutents, and to report the same when so prepared. As such we should consult their wishes and act accordingly, and in order to do so it becomes necessary in matters where the will of the people may not have expressed itself, so as to be known, to intrust the questions to them directly. If we fail to do so, we place ourselves in this peculiar position that we either know that a majority of the people is adverse to our action and therefore refuse the same to its approval or rejection, except in conjunction with other propositions, and thus to give no opportunity to defeat our own will; or that we do not know what the people desire and refuse to ask them. I, therefore, maintain that it is not only our right but our duty to refer every proposition about which there may be any honest doubt as to the sentiment of the people, or which finds a respectable number of adherents and advocates in this Convention, though they may be in a minority, to the people themselves, S.5] and to demand in the form of a vote, on such proposition alone, its final and conclusive judgment. I can find no language in our present Constitution, nor in any laws, adverse to this opinion and I go so far as to lay no stress even upon the express language of the Act of 1874 under which this convention was called and under which we are acting, when it says that, "any one article of said revised or amended constitution may be submitted separately at said election for ratification or rejection by the vote of the people," for I claim that this right of the people to demand of its committee, the Convention, the submission of every proposition is with a form that it is not compelled to vote for things not desired, in order to carry some, upon which it looks with favor. I consider this right, moreover, to be expressly declared by the above mentioned section of our Constitution and by the entire spirit of the same. The opposition to this view has led me to a somewhat careful examination of the precedents and I here state that I have been unable to find a single instance in opposition to the views here presented, while I do not find that this matter has hardly ever been agitated, evidently for the reason that there was no room for discussion. Questions have arisen about the powers of a convention or the law creating the same as the power to enact a constitution or ordinance without submitting the same to a vote of the people or to only a part thereof, but the power to ask the people what they want has never been questioned. I deem it unnecessary to go into a similar discussion of the power of a constitutional convention, for I do not now contend for any such powers, but I do maintain that as the agent of the people, I have the right to, and should consult with my principal, for it is he who has to approve, he that will prosper or suffer by and under the new Constitution. While perhaps it may be deemed superfluous, yet I will allude to the opinions

generally held on this subject and as such embodied in the best work. Jameson, in his work on "The Constitutional Convention" page 469, § 514 says: "In determining the manner of submitting constitutions to the people, two things should be kept permanently and constantly in view; *first*, the obtaining completely and as far as possible in detail of the public will, and *secondly*, convenience, the latter, however, being a consideration of inferior importance when compared with the former. The general rule undoubtedly should be that every clause of both constitution and bill of rights must be submitted to the people, those only excepted which are to take effect in the act of making the submission itself. No other rule can be adopted with safety." Not to make this report too long, I have to omit to quote further from this standard work or to cite the instances and authorities there quoted, but the history of our federal government and the opinions of the most respected fathers of our republic should find a place here. The greatest of all conventions, the Federal Convention of 1787 of which Washington, Franklin, Hamilton, Robt. Morris, and others were members, S.6] did not hesitate to go much further than this Convention has ever been called upon, and they did even disregard certain restrictions imposed upon them, for while called to simply propose amendments to the Articles of Confederation they formed a constitution for the nation and abolished the cherished sovereignty of the states, recognizing only that grand principle that they were the agents and representatives of the people—that the people had the power to change its government and that if the people ratified the same it would be legal and constitutional. They submitted their work to the people of the different states. It was approved and has ever since stood as a monument of wisdom and patriotism. I might cite many more similar instance, but I will confine myself to the fact that not long ago both the State of Ohio, as well as that of Illinois, submitted several distinct propositions to a separate vote, several of which were adopted, while others were rejected, those adopted taking the place of certain sections or articles in the constitution or forming additions thereto. I deem it unnecessary to further proceed with the discussion of this branch of the question. I believe that reason as well as authority are in favor of the views of the undersigned and hope that this Convention will proceed accordingly. As to the second question, that is, the expendiency and propriety of submitting the several propositions referred to us, I would state that the question of female suffrage, that of a capitation or poll tax and that of the district system of representation in different forms, were referred to your Committee. I believe that the people of this State are very largely opposed to the principle of female suffrage at this time and have seen no evidence that a numerous minority of this Convention desires the submission of that question. But as to the other two propositions, that of the poll tax and that of especially referring to the district system of representation, the parts are different. A large part of the people, as well as of this Convention, is in their favor. How a majority of the entire voting population would decide, no one is able to say. I therefore claim that these propositions, particularly the

latter, should be taken up and considered and sumbitted with the Constitution as separate propositions. I do this more particularly for the reason that the plan of county representation heretofore adopted is, in my opinion, wrong in principle as it disregards representation acording to population and substitutes territory. That 500 voters in one county should be entitled to the same representation in one house of the General Assembly as 5,000 in another county, is a proposition which needs only to be stated to show its injustice, and that this system has led to the result that under the plan adopted by this convention, seventy-two members of the lower house of the General Assembly, and which number constitutes a majority of that house, are elected by counties having a population of only 567,515 persons, this being 6,548 less than one-third of the population of the State, which 1,722,189, thus making S.7] less than one-third of the population of the State elect a majority of the lower house, is one which so long as this government is to be considered as a government of the people is in clear conflict with its fundamental principles. I herewith annex a tabular statement showing this in detail. This system does not prevail in the co-ordinate branches of our government, for neither the Governor, or executive officers, nor the judges are elected by counties, but by the voters in proportion to numbers, and this is one which has been inherited from the present Constitution, and presents, in my opinion, one of those defects to remedy which this Convention has been called. But as this matter has been heretofore fully discussed by our body, I will not reiterate the arguments, but do herewith return the papers and documents referred, and recommend that the several propositions be taken up and disposed of by this Convention, and that the article on capitation tax, and that on the district system of representation be adopted, and that on female suffrage be indefinitely postponed.

LOUIS GOTTSCHALK, *Chairman and member of the Committee.*

TABULAR STATEMENT WITH MINORITY REPORT.

Fifteen counties.		Fifteen counties.	
Carter	1,455	Barton	5,087
Pemiscot	2,059	Wright	5,684
Shannon	2,339	Madison	5,849
Ripley	3,175	Maries	5,916
Oregon	3,287	McDonald	5,226
Ozark	3,363	Dunklin	5,982
Douglas	3,915	Wayne	6,068
Stone	3,253	Camden	6,108
Reynolds	3,756	Iron	6,278
Howell	4,218	New Madrid	6,357
Taney	4,407	Dent	6,357
Pulaski	4,714	Hickory	6,452
Butler	4,298	Miller	6,612
Mississippi	4,982	St. Clair	6,742
Worth	5,004	Christian	6,707
	54,225		91,429

Ten counties.		
Atchison		8,440
Bollinger		8,162
Crawford		7,982
Dallas		8,383
Morgan		8,434
Ste. Genevieve		8,384
Stoddard		8,535
Scott		7,317
Dade		8,683
Schuyler		8,820
		83,140
Representatives.		Population.
40 counties as stated		228,784
Laclede	1	9,380
Cedar	1	9,474
Texas	1	9,618
St. Francois	1	9,742
Warren	1	9,673
Perry	1	9,877
DeKalb	1	9,858
Barry	1	10,373
Cole	1	10,292
Gasconade	1	10,093
Grundy	1	10,567
Knox	1	10,974
Montgomery	1	10,405
Osage	1	10,793
Phelps	1	10,506
Ralls	1	10,510
Scotland	1	10,670
Shelby	1	10,119
Webster	1	10,437
Adair	1	11,448
Benton	1	11,322
Caldwell	1	11,390
Mercer	1	11,557
Moniteau	1	11,375
Putnam	1	11,217
Vernon	1	11,247
Greene	2	21,509
Saline	2	21,672
Lafayette	2	22,623
Total population		567,515
Total number of Representatives		72
Population of State		1,722,189
One third of population of State		574,063

Seventy-two members elected by 567,575 being 6,548 less than one-third of the population of the State, who elect a majority of the House of Representatives.

S. 8] Mr. Boone moved to lay the report on the table. The ayes and noes being demanded by five members, the motion to lay the report on the table was adopted by the following vote:

AYES.

Alexander	Edwards	Johnson	Norton	Shanklin
Boone	of Iron	of Cole	Priest	Taylor
Bradfield	Eitzen	Mabrey	Ray	of Jasper
Broadhead	Fyan	Massey	Rider	Wagner
Carleton	Halliburton	Maxey	Rippey	Watkins
Conway	Holliday	McAfee	Roberts	Mr. President
Crockett	Hyer	McKillop	Ross	33
Davis		Nickerson	of Polk	

NOES.

Adams	Dysart	Hammond	Pipkin	Spaunhorst
Allen	Edwards	Hardin	Ross	Switzler
Black	of St. Louis	Lackland	of Morgan	Taylor
Chrisman	Gantt	Lay	Rucker	of St. Louis
Cottey	Gottschalk	Letcher	Shackelford	Todd
Crews	Hale	Mudd	Shields	Wallace 27

ABSENT.

Brockmeyer	Johnston	McCabe	
Farris	of Nodaway	Mortell	5

ABSENT WITH LEAVE.

Dryden	McKee	Pulitzer	3

On motion of Mr. Ross of Polk Article IV was ordered enrolled as a part of the Constitution.

Mr. Broadhead, from the St. Louis Delegation, to which was referred Sections five, six, seven, eight, nine, ten and eleven of the report of the minority of the Committee on Executive and Ministerial Officers of County and Municipal Government, submitted the following report:

Mr. President: The St. Louis Delegation, to which was referred Sections five, six, seven, eight, nine, ten and eleven of the minority report of the Committee on Executive and Ministerial officers of County and Municipal Government, asks leave to report the following provisions.

JAS. O. BROADHEAD, *Chairman.*

ARTICLE —.

Section 5. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

Section 6. No person shall at the same time be a State officer and an officer of any county, city or other municipality, and no person shall at the same time fill two municipal offices either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace, or officers of the militia.

Section 7. All contested elections for county, city or municipal offices shall be decided by the circuit court, in such manner as may be directed by law.

Section 8. In making estimates for the total amount of taxation within the limits fixed by this Constitution, the authorities of any city, county or other municipality shall estimate separately for each particular object of expenditure, and only the revenue thus estimated for each particular object shall be appropriated thereto; and any part of S. 9] the revenue not capable of such appropriation shall belong and be paid to the sinking fund of each county, city or other municipality.

Section 9. The corporate authorities of any county, city or other municipal subdivision of this State which has already exceeded the limit of indebtedness prescribed in Section fourteen of Article —— of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year towards the general governmental expenses thereof, a sum not exceeding seven-eights of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year.

Also the following:

ARTICLE —.

Section 1. The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged, upon the following conditions, that is to say: The city council of the city and the county court of the county of St. Louis, may in joint session, order the election by the qualified voters of the city and county of a board of thirteen freeholders of such city or county, whose duty it shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the adjustment of the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged, by a charter in harmony with the Constitution and laws of Missouri, which shall, among other things, provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket, which scheme and charter shall be signed by said board or a majority of them, and returned to the mayor of the city within ninety days after the elec-

tion of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county, and such charter to the qualified voters of the city so enlarged at an election to be held not less than twenty nor more than thirty days after the order therefor; and if four-sevenths (4-7) of such qualified voters, voting at such election, shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede all laws relative to St. Louis county and inconsistent with such scheme and the charter of St. Louis and all amendments thereof.

Section 2. A copy of such scheme and charter with a certificate thereto appended, signed by the mayor and authenticated by the seal of the city, and also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of scheme and charter, to the qualified voters of such county and city, and its ratification by them, shall be made in duplicate, one of which shall be deposited in the office of Secretary of State, and the other, after being recorded in the office of recorder of deeds of St. Louis **S. 10**] county, shall be deposited among the archives of the city and thereafter all courts shall take judicial notice thereof.

Section 3. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by the law-making authorities of the city to the qualified voters thereof at a general or special election held at least sixty days after the publication of such proposals, and accepted by at least three-fifths of such qualified voters voting thereat and not otherwise.

Section 4. Such charter and amendments shall always be in harmony with the Constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation in the portions of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between the city and county, the city shall take upon itself the entire park tax, and in consideration of the city becoming the proprieter of all the county buildings within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The county court shall be elected by the qualified voters outside of the city. The city, as enlarged, shall be governed as a city, without any interference by county officials, and be entitled to the same representation in the General Assembly as if it were a county as in this Constitution defined, and the residue of the county shall remain a legal county of the State of Missouri, under the name of the county of St. Louis.

Section 5. The county and city of St. Louis, as now existing, shall continue to constitute the Eighth judicial circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

which was read, and on motion of Mr. Norton, laid over informally and made the special order for Friday, July 30, 1875, at 8 o'clock, a. m.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee on Revision to which was referred the articles on Executive Department, Judicial Department, and Impeachments has instructed me to report that it has carefully considered, revised and corrected same, and said articles are herewith reported properly engrossed and printed.

A, R. TAYLOR, *Chairman*

which was read.

The following articles accompanying the report:

ARTICLE V.

EXECUTIVE DEPARTMENT

Section 1. The Executive Department shall consist of a Governor, **S. 11**] Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools, all of whom, except the Lieutenant-Governor, shall reside at the seat of Government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

Section 2. The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General and Superintendent of Public Schools shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the Governor and State Treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all such officers, except the Superintendent of Public Schools, shall be elected, and the Superintendent of Public Schools shall be elected at the general election in the year one thousand eight hundered and seventy-eight, and every four years thereafter.

Section 3. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly shall, by joint vote, choose one of such persons for said office.

Section 4. The supreme executive power shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Missouri."

Section 5. The Governor shall be at least thirty-five years old, a male, and shall have been a citizen of the United States ten years, and a resident of this State seven years next before his election.

Section 6. The Governor shall take care that the laws are distributed and faithfully executed; and he shall be a conservator of peace throughout the State.

Section 7. The Governor shall be commander-in-chief of the militia of this State, except when they shall be [called] into the service of the United States, and may call out the same to excute the laws, suppress insurrection and repel invasion; but he need not command in person unless directed so to do by a resolution of the General Assembly.

Section 8. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such condition and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.

S. 12] Section 9. The Governor shall, from time to time, give to the General Assembly information relative to the state of the Government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordianry occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

Section 10. The Governor shall, at the commencement of each session of the General Assembly, and at the close of his term of office give information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, in such manner as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with vouchers; and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

Section 11. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed and qualified according to law.

Section 12. The Governor shall consider all bills and joint resolutions, which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the house in which they

respectively originated, all such bills and joint resolutions, with his approval indorsed thereon, or accompanied by his objections: *Provided*, That if the General Assembly shall finally adjourn within ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

Section 13. If any bill presented to the Governor, contain several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected shall not take effect. If the General Assembly be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days, to the office of Secretary of State, with his approval or reasons for disapproval.

Section 14. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill; *Provided*, That no resolution shall have the effect to **S. 13]** repeal, extend, alter or amend any law.

Section 15. The Lieutenant-Governor shall possess the same qualifications as the Governor, and by virtue of his office shall be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division he shall give the casting vote in the Senate, and also in joint vote of both houses.

Section 16. In case of death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.

Section 17. The Senate shall choose a president *pro tempore* to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall hold the office of Governor. If there be no Lieutenant-Governor, or the Lieutenant-Governor shall for any of the causes specified in Section sixteen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, in the same manner and with the same powers and compensation as are prescribed in the case of the office devolving upon the Lieutenant-Governor.

Section 18. The Lieutenant-Governor or the President pro tempore of the Senate, while president in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

Section 19. No person shall be eligible to the office of Secretary of State, State Auditor, State Treasurer, Attorney-General, or Superintendent of Public Schools, unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.

Section 20. The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor, his approval of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri," and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.

Section 21. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly whenever required to do so.

Section 22. An account shall be kept by the officers of the Executive Department of all moneys and choses in action disbursed, or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information, in writing, under oath, from the officers of the Executive
S. 14] Department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institution; which information, when so required shall be furnished by such officers and managers, and any officer or manager who at any time shall make a false report, shall be guilty of perjury and punished accordingly.

Section 23. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

Section 24. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official term; and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. All fees that may hereafter be payable by law for any service performed by any officer provided for in this article shall be paid in advance into the State treasury.

Section 25. Contested elections of Governor and Lieutentant-Governor shall be decided by a joint vote of both houses of the General Assembly, in such manner as may be provided by law; and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney-General and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Section 1. The judical power of the State, as to matters of law and equity, except as in this Constitution provided, shall be vested in a Supreme Court, the St. Louis Court of Appeals, circuit courts, criminal courts, probate courts, county courts, and municipal corporation courts.

Section 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

Section 3. The Supreme Court shall have a general superintending control over all inferior courts. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari* and other original remedial writs, and to hear and determine the same.

Section 4. The judges of the Supreme Court shall hold office for the term of ten years. The judge oldest in commission shall be Chief Justice of the Court; and if there be more than one commission of the same date, the court may select the Chief Justice from the judges holding the same.

Section 5. The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be con-
S.15] servators of the peace throughout the State, and shall be elected by the qualified voters thereof.

Section 6. The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.

Section 7. The full terms of the judges of the Supreme Court shall commence on the first day of January next ensuing their election, and those elected to fill any vacancy shall also enter upon the discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

Section 8. The present judges of the Supreme Court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.

Section 9. The Supreme Court shall be held at the seat of Government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesday in October and April of each year.

Section 10. The State shall provide a suitable court room at the seat of Government, in which the Supreme Court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the State library.

Section 11. If, in any cause pending in the Supreme Court, or the St. Louis Court of Appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division but the parties to the cause may agree upon some person learned in the law to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

Section 12. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis Court of Appeals," the jurisdiction of which shall be coextensive with the City of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. Said court shall have power to issue writs of *habeas corpus, quo warranto, mandamus, certiorari* and other original remedial writs and to hear and determine the same; and shall have a superintending control over all inferior courts of record in said City of St. Louis and said counties. Appeals shall lie from the decisions of the St. Louis Court of Appeals, to the Supreme Court, and writs of error may issue from the Supreme Court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or Statue of, or authority exercised under the United States is drawn in question; in cases involving the construct-
S.16] ion of the revenue laws of this State, or the title to any office under this State; in cases involving title to real estate; in cases where a county or other political subdivision of the State, or any State officer is a party, and in all cases of felony.

Section 13. The St. Louis Court of Appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren, who shall hold their office for the period of twelve years. They shall be residents of [the district] composed of said counties, shall possess the same qualification as judges of the Supreme Court, and each shall receive the same compensation as is now, or may be, provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources; *Provided*, That each of said counties shall pay its proportional part of the same according to its taxable property.

Section 14. The judges of said court shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Monday of March and October, and the first term of said court shall be held on the first Monday of January, 1876.

Section 15. The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the Supreme Court shall apply to this court, so far as the same may be applicable.

Section 16. At the first general election held in said counties after the adoption of this Constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively four, eight and twelve years, and certify the result to the Secretary of State; and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this State, shall be the presiding judge of said court.

Section 17. Upon the adoption of this Constitution, the Governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.

Section 18. The clerk of the Supreme Court at St. Louis shall be the clerk of the St. Louis Court of Appeals until the expiration of the term for which he was appointed clerk of the Supreme Court, and until his successor shall be duly qualified.

Section 19. All cases which may be pending in the Supreme Court at St. Louis at the time of the adoption of this Constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis Court of Appeals, shall be certified and transferred to the St. Louis Court of Appeals, to be heard and determined by said court.

Section 20. All cases coming to said court by appeal, or writ of error, shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.

S. 17] Section 21. Upon the adoption of this Constitution, and after the close of the next regular terms of the Supreme Court at St. Louis and St. Joseph, as now established by law, the offices of the clerk of the Supreme Court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme Court at Jefferson City all the books, records, documents, transcripts and papers belonging to their respective offices, except those required by Section nineteen of this article to be turned over to the St. Louis Court of Appeals; and said records, documents, transcripts and papers shall become part of the records, documents, transcripts and papers of said Supreme Court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.

Section 22. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; and such concurrent jurisdiction with, and appellate jurisdiction from, inferior tribunal and justices of the peace as is, or may be provided for by law. It shall hold its terms at such times and places in each county as may be by law directed; but at least two terms shall be held every year in each county.

Section 23. The circuit court shall exercise a superintending control over criminal courts, probate courts, county courts, municipal

coporation courts, justices of the peace, and all inferior tribunals in each county in their respective circuits.

Section 24. The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be changed, enlarged, diminished or abolished from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office of the judge of such circuit shall cease.

Section 25. The judges of the circuit courts shall be elected by the qualified voters of each circuit; shall hold their office for the term of six years, and shall reside in and be conservators of the peace within their respective circuits.

Section 26. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty years, been a citizen of the United States five years, a qualified voter of this State for three years, and who shall not be a resident of the circuit in which he may be elected or appointed.

Section 27. The circuit court of St. Louis county shall be composed of five judges, and such additional number as the General Assembly may, from time to time, provide. Each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term, for the purpose of making rules of court, and for the transaction of such other business as may be provided by law, at such time as they may determine but shall have no power to review any order, decision or proceeding of the court in special term. The St. Louis Court of Appeals shall **S. 18**] have exclusive jurisdiction of all appeals from, and writs of error to the circuit courts of St. Charles, Lincoln and Warren counties, and the circuit court of St. Louis county in special term, and all courts of record having criminal jurisdiction in said counties.

Section 28. In any circuit composed of a single county, the General Assembly may, from time to time, provide for one or more additional judges, as the business shall require, each of whom shall separately try cases, and perform all other duties imposed upon circuit judges.

Section. 29. If there be a vacancy in the office of judge of any circuit, or if the judge be sick, absent or from any cause unable to hold any term, or part of term of court, in any county in his circuit, such term, or part of term of court, may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court or part of term in his circuit, may be held by the judge of any other circuit, and in all such cases, or in any case where the judge cannot preside, the General Assembly shall make such additional provision for holding court as may be found necessary.

Section 30. The election of judges of all courts of record shall be held as is or may be provided by law, and in case of a tie or contested election between the candidates, the same shall be determined as prescribed by law.

Section 31. The General Assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand.

Section 32. In case the office of judge of any court of record becomes vacant by death, resignation, removal, failure to qualify, or otherwise, such vacancy shall be filled in the manner provided by law.

Section 33. The judges of the Supreme, appellate and circuit courts, and all other courts of record receiving a salary, shall, at stated times, receive such compensation for their services, as is or may be prescribed by law, but it shall not be increased or diminished during the period for which they were elected.

Section 34. The General Assembly shall establish in every county a probate court, which shall be a court of record, and consist of one judge, who shall be elected. Said court shall have jurisdiction over all matters pertaining to probate business, to granting letters testamentary, and of administration, the appointment of guardians and curators of minors, and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands by administrators, curators and guardians; and also jurisdiction over all matters relating to apprentices: *Provided*, That until the General Assembly shall provide by law for a uniform system of probate courts, the jurisdiction of probate courts heretofore established shall remain as now provided by law.

Section 35. Probate courts shall be uniform in their organization, jurisdiction, duties and practice, except that a separate clerk may be provided for, or the judge may be required to act, ex officio, as his own clerk.

Section 36. In each county there shall be a county court, consisting of three judges. Said court shall be a court of record, and shall have **S. 19**] jurisdiction of all county and such other business as the General Assembly may prescribe: *Provided*, That in all counties of less population than thirty thousand, the judge of probate shall be one of the three, and the presiding judge of the court. Judges of probate shall be elected by the qualified voters of the county for the term of four years, and county judges for the term of two years.

Section 37. In each county there shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties, and duration in office, shall be regulated by law.

Section 38. All writs and process shall run, and all prosecutions shall be conducted in the name of the "State of Missouri;" all writs shall be attested by the clerk of the court from which they shall be issued; and all indictments shall conclude, "against the peace and dignity of the State."

Section 39. The St. Louis Court of Appeals, and Supreme Court, shall appoint their own clerks. The clerks of all other courts of record shall be elective, for such terms, and in such manner as may be directed by law: *Provided*, That the term of office of no existing clerk of any court of record, not abolished by this Constitution, shall be affected by such law.

Section 40. In case there be a tie, or a contested election between candidates, for clerk of any court of record, the same shall be determined in such manner as may be directed by law.

Section 41. In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency by reason of continued sickness, or physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each house concurring, with the approval of the Governor, to remove such judge from office; but each house shall state on its respective journal the cause for which it shall wish his removal, and give him notice thereof, and he shall have the right to be heard in his defense in such manner as the General Assembly shall by law direct.

Section 42. All courts now existing in this State, not named or provided for in this Constitution, shall continue until the expiration of the terms of office of the several judges, and as such terms expire, the business of said courts shall vest in the court having jurisdiction thereof in the counties where said courts now exist, and all the records and papers shall be transferred to the proper courts.

Section 43. The Supreme Court of the State shall designate what opinions delivered by the court, or the judges thereof, may be printed at the expense of the State; and the General Assembly shall make no provision for payment by the State for the publication of any case decided by said court not so designated.

Section 44. All judicial decisions in this State shall be free for publication by any person.

ARTICLE VII.

IMPEACHMENTS.

Section 1. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintend-
S.20] ent of Public Schools, and Judges of the Supreme and Circuit Courts, and St. Louis Court of Appeals, shall be liable to impeachment for high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office.

Section 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be sworn to do justice according to law and evidence. When the Governor of the State is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, trust or profit under this State. The party, whether convicted, or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

On motion of Mr. Taylor of St. Louis Article V on Executive Department was taken up and read the first time.

Mr. Spaunhorst moved that the rule be suspended, the article considered engrossed, and read a second time, which was agreed to.

The question recurring on the adoption of Article V, it was adopted by the following vote:

AYES.

Adams	Dysart	Holliday	Norton	Shanklin
Alexander	Edwards	Hyer	Pipkin	Spaunhorst
Allen	of Iron	Johnson	Priest	Switzler
Black	Edwards	of Cole	Ray	Taylor
Bradfield	of St. Louis	Lackland	Rider	of Jasper
Broadhead	Eitzen	Lay	Rippey	Taylor
Carleton	Fyan	Letcher	Roberts	of St. Louis
Chrisman	Gantt	Mabrey	Ross	Todd
Conway	Gottschalk	Maxey	of Morgan	Wagner
Cottey	Hale	McAfee	Ross	Wallace
Crews	Halliburton	McKillop	of Polk	Watkins
Crockett	Hammond	Mudd	Rucker	Mr. President
Davis	Hardin	Nickerson	Shackelford	57

NOES.

Boone	Massey	Shields	3

ABSENT.

Brockmeyer	Johnston	McCabe	
Farris	of Nodaway	Mortell	5

ABSENT WITH LEAVE.

Dryden	McKee	Pulitzer	3

On motion of Mr. Taylor of St. Louis Article V was ordered enrolled as a part of the Constitution.

Mr. Hale offered the following as a new section to the article on Legislative Department:

The General Assembly shall have power to so order appropriations under Section forty-three of Article IV of this Constitution, so that money that may be appropriated under said section shall not remain in the treasury for a longer time than three months, if not needed to pay any particular appropriation, but may be appropriated for other purposes, authorized by this Constitution.

which was read, and on motion referred to the Committee on Legislative Department.

On motion of Mr. Taylor of St. Louis Article VI on S.21] Judicial Department was taken up and read the first time.

Mr. Adams moved that the rules be suspended, that Article VI be considered engrossed and read a second time, which was agreed to.

On motion of Mr. Eitzen the Convention adjourned until 2 o'clock, p. m.

AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Under suspension of the rules, Mr. Switzler offered the following resolution:

> Resolved, That the President be authorized to employ as many additional enrolling clerks as may be necessary to complete the enrollment of the Constitution as soon as possible and that if there be interspaces between the several articles that the same be closed by appropriate lines so as to prevent interlineation in the interspaces.

which was read and adopted.

Mr. Halliburton in the chair.

The Convention resumed the consideration of Article VI on Judicial Department.

Mr. Wallace moved to reconsider the vote by which Section thirty-six of Article VI was adopted.

On motion of Mr. Ross of Polk leave of absence was granted Mr. Bradfield.

The ayes and noes being demanded by five members, the motion to reconsider was agreed to by the following vote:

AYES.

Adams	Cottey	Hardin	Ross	Taylor	
Alexander	Crews	Holliday	of Morgan	of Jasper	
Allen	Davis	Lay	Ross	Taylor	
Black	Edwards	Mortell	of Polk	of St. Louis	
Broadhead	of St. Louis	Nickerson	Rucker	Todd	
Carleton	Gantt	Norton	Shackelford	Wallace	
Chrisman	Hale	Priest	Shanklin	Watkins	
Conway	Hammond		Spaunhorst		33

NOES.

Boone	Edwards	Halliburton	McKillop	Rippey	
Crockett	of Iron	Hyer	Pipkin	Shields	
Dysart	Eitzen	Mabrey	Ray	Switzler	
	Fyan	Massey	Rider	Wagner	18

ABSENT.

Brockmeyer	Johnson	Lackland	Mudd	Mr. President	
Farris	of Cole	Letcher	Pulitzer		13
Gottschalk	Johnston	McAfee	Roberts		
	of Nodaway				

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

Mr. Holliday offered the following substitute for Section thirty-six:

In each county, there shall be a county court consisting of one or more judges, not exceeding three, as may be provided by law. County courts shall be courts of record, and shall have jurisdiction to transact all county business and such other business as may be prescribed by law.

which was read.

S.22] Mr. Shanklin offered the following amendment to the substitute offered by Mr. Holliday:

Amend by striking out "three" where it occurs and insert "five" in lieu thereof.

which was read and rejected.

Mr. Fyan offered the following amendment to the substitute:

Amend by inserting after the word "three" the words, "but the probate judge of the county may be one of the county court."

which was read and agreed to.

The question recurring on the adoption of the substisute as amended, it was adopted. The section as amended by the substitute was then adopted.

On motion of Mr. Cottey Article VI on Judicial Department as amended was recommitted to the Committee on Revision.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee on Revision to which was referred the Article on Suffrage and Elections has instructed me to report that it has carefully considered, revised and corrected same, and that said article is herewith reported properly engrossed and printed.

A. R. TAYLOR, *Chairman.*

which was read.

The following article accompanying the report:

ARTICLE VIII.

SUFFRAGE AND ELECTION.

Section 1. The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this Constitution shall be held on that day, in the year one thousand eight hundred and seventy-six; but the General Assembly may, by law, fix a different day, two-thirds of all the members of each house consenting thereto.

Section 2. Every male citizen of the United States, and every male person of foreign birth, who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people.

First. He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county, city or town where he shall offer to vote, at least sixty days immediately preceding the election.

Section 3. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and S. 23] the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: *Provided*, that in all cases on contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

Section 4. Voters shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Section 5. The General Assembly shall provide by law for the registration of all voters in cities and counties having a population of more than one hundred thouand inhabitants, and may provide for such registration in cities having a population exceeding twenty-five thousand inhabitants and not exceeding one hundred thousand, but not otherwise.

Section 6. All elections, by persons in a representative capacity, shall be *viva voce.*

Section 7. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of

his absence, while employed in the service, either civil or military, of this State, or of the United States; nor while engaged in the navigation of the waters of the State, or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a poor house, or other asylum at public expense, nor while confined in public prison.

Section 8. No person, while kept at any poor house, or other asylum at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State.

Section 9. The trial and determination of contested elections of all public officers, whether State, judicial, municipal or local, except Governor and Lieutenant-Governor, shall be by the courts of law, or by one or more of the judges thereof. The General Assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law, assigning jurisdiction or regulating its exercise, shall apply to any contest arising out of any election held before said law shall take effect.

Section 10. The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage.

Section 11. No officer, soldier or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

Section 12. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding his election or appointment.

On motion of Mr. Wagner Article VII on Impeach-
S.24] ments was taken up and read the first time.

Mr. Crews moved that the rule be suspended and Article VII read the second time, which was agreed to.

Mr. Crews moved to reconsider the vote by which Section one, Article VII on Impeachments was adopted, which was agreed to.

Mr. Christman offered the following amendment to Section one:

Amend by inserting the words," and criminal," in line three after the word "circuit" and the words,"of the," after the word "and" and striking out the word "and" before "circuit."

which was read and adopted.

Section one as amended was then adopted.

The question recurring on the adoption of Article VII, it was adopted by the following vote:

AYES.

Alexander	Edwards	Hardin	Norton	Ross
Allen	of Iron	Holliday	Pipkin	of Polk
Boone	Edwards	Hyer	Priest	Rucker
Carleton	of St. Louis	Johnson	Pulitzer	Shields
Chrisman	Eitzen	of Cole	Ray	Spaunhorst
Conway	Fyan	Lackland	Rider	Taylor
Cottey	Gantt	Mabrey	Rippey	of Jasper
Crews	Gottschalk	Massey	Roberts	Todd
Crockett	Hale	McKillop	Ross	Wagner
Davis	Halliburton	Mudd	of Morgan	Wallace
Dysart	Hammond	Nickerson		Watkins
				Mr. President
				49

NOES. None.

ABSENT.

Adams	Farris	Letcher	Shackelford	Taylor
Black	Johnston	McAfee	Shanklin	of St. Louis
Broadhead	of Nodaway	McCabe	Switzler	15
Brockmeyer	Lay	Mortell		

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

On motion, Article VII was then ordered enrolled as a part of the Constitution.

Mr. Wallace from the Committee on Miscellaneous Provisions submitted the following report:

Mr. President: The Committee on Miscellaneous provisions of the Constitution, has, according to order, had under consideration the following new section offered in convention to the Article on Miscellaneous Provisions, "Section. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly and fifteen days next before the commencement and after the termination of each session, and for any speech or debate in either house they shall not be questioned in any other place," and has instructed me to report the same back to the Convention with the recommendation that the same be adopted.

H. C. Wallace, *Chairman.*

which was read.

Mr. Spaunhorst offered the following as a new section to the report of the Committee on Miscellaneous Provisions.

Any officer of any county, city, town, township or other municipality in this State, may be proceeded against criminally by information or S.25] indictment for any wilful and fraudlent neglect of official duty and on conviction thereof, shall be removed from office, without prejudice to other punishment under the law.

which was read and on motion referred to the Committee on Miscellaneous Provisions and seventy-five copies ordered printed.

On motion of Mr. Wagner Article VIII on Suffrage and Elections was taken up and read the first time.

On motion of Mr. Alexander the rule was suspended and Article VIII considered read the second time and placed upon its passage.

Mr. Holliday moved that the rule be suspended to allow him to make a motion to reconsider the vote by which Section nine of Article VIII was adopted, which was not agreed to.

The question recurring on the adoption of Article VIII on Suffrage and Elections, it was adopted by the following vote:

AYES.

Adams	Dysart	Hyer	Priest	Shields
Alexander	Edwards	Johnson	Pulitzer	Spaunhorst
Allen	of Iron	of Cole	Ray	Switzler
Black	Edwards	Lackland	Rider	Taylor
Boone	of St. Louis	Mabrey	Rippey	of Jasper
Broadhead	Eitzen	Massey	Roberts	Taylor
Carleton	Fyan	McAfee	Ross	of St. Louis
Chrisman	Gantt	McCabe	of Morgan	Todd
Conway	Gottschalk	McKillop	Ross	Wagner
Cottey	Hale	Mudd	of Polk	Wallace
Crews	Halliburton	Nickerson	Rucker	Watkins
Crockett	Hammond	Norton	Shackelford	Mr. President
Davis	Hardin	Pipkin	Shanklin	57

NOES

Holliday 1

ABSENT

Brockmeyer	Johnston	Lay	Mortell
Farris	of Nodaway	Letcher	6

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

On motion of Mr. Taylor of St. Louis Article VIII on Suffrage and Elections was then ordered enrolled as a part of the Constitution.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee on Revision to which the Article on Judicial Department was referred back, has instructed me to report the annexed.

A. R. Taylor, *Chairman.*

Section 36. In each county, there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.

On motion of Mr. Priest, the rule was suspended, Article VI on Judicial Department was considered read the second time and adopted by the following vote:

AYES.

S.26] Adams	Dysart	Holliday	Norton	Rucker
Allen	Edwards	Hyer	Pipkin	Shackelford
Black	of Iron	Johnson	Priest	Shields
Boone	Edwards	of Cole	Pulitzer	Switzler
Broadhead	of St. Louis	Mabrey	Ray	Taylor
Carleton	Eitzen	Massey	Rider	of Jasper
Chrisman	Fyan	McAfee	Rippey	Taylor
Conway	Gantt	McCabe	Roberts	of St. Louis
Cottey	Gottschalk	McKillop	Ross	Todd
Crews	Hale	Mortell	of Morgan	Wagner
Crockett	Hammond	Mudd	Ross	Wallace
Davis	Hardin	Nickerson	of Polk	Watkins
				Mr. President
				54

NOES.

Shanklin	1

ABSENT.

Alexander	Farris	Johnston	Lackland	Letcher	
Brockmeyer	Halliburton	of Nodaway	Lay	Spaunhorst	9

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

On motion, Article VI was then ordered enrolled as a part of the Constitution.

Mr. Taylor of St. Louis, from the Committee on Revision, submitted the following report:

Mr. President: Your Committee on Revision to which was referred the articles on Education, Militia, Miscellaneous Provisions and Mode of Amending the Constitution, has instructed me to report that it has carefully considered, revised and corrected same and said articles are herewith reported properly engrossed and printed.

A. R. Taylor, *Chairman.*

which was read. The following articles accompanying the report:

ARTICLE XI.

EDUCATION.

Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.

Section 2. The income of all the funds provided by the State for the support of free public schools shall be paid annually to the several county treasurers, to be disbursed according to law; but no school district, in which a free public school has not been maintained at least three months during the year for which the distribution in made, shall be entitled to receive any portion of such funds.

Section 3. Separate free public schools shall be established for the education of the African descent.

Section 4. The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be president of the board. The Governor, Secretary of State and Attorney-General shall be *ex officio* members, and with the Superintendent, compose said Board of Education.

Section 5. The General Assembly shall, whenever the public school fund will permit, and the actual necessity of the same may require, aid and maintain the State University now established with its present departments. The government of the State University shall be vested S. 27] in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.

Section 6. The proceeds of all lands that have been, or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands and other property now belonging to any State fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from un-

claimed dividends, and distributive shares of the estates of deceased persons; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts or devises that have been or hereafter may be made to this State, and not otherwise appropriated by the State or the terms of the grant, gift or devise, shall be paid into the State treasury, and securely invested and sacredly preserved as a public school fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this article provided for, and for no other uses or purposes whatsoever.

Section 7. In case the public school fund now provided and set apart by law, for the support of free public schools, shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with Section eleven of the Article on Revenue and Taxation; but in no case shall be set apart less than twenty five per cent of the State revenue, exclusive of the interest and sinking fund, to be applied annually to the support of the public schools.

Section 8. All moneys, stocks, bonds, lands and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to, and be securely invested, and sacredly preserved in the several counties, as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

Section 9. No part of the public school fund of the State shall ever be invested in the stock or bonds or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belong or may hereafter belong to said school fund, shall be invested in the bonds of the State of Missouri, or of the United States.

Section 10. All county school funds shall be loaned only upon unincumbered real estate security, of double the value of the loan, with personal security in addition thereto.

Section 11. Neither the General Assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever S.28] make an appropriation, or pay any public fund whatever, anything in aid of any religious creed, church, sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning, controlled by any religious creed, church or sectarian denomination whatever, nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town or other municpal corporation, for any religious creed, church or sectarian purpose whatever.

ARTICLE XIII.

MILITIA.

Section 1. All able-bodied male inhabitants of this State, between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of this State; *Provided*, That no person who is religiously scrupulous of bearing arms can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law.

Section 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable, to the regulations for the government of the armies of the United States.

Section 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

Section 4. Volunteer companies of infantry, cavalry and artillery may be formed in such manner and under such restrictions as may be provided by law.

Section 5. The volunteer and militia forces shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections, and in going to and returning from the same.

Section 6. The Governor shall appoint the Adjutant-General, Quartermaster-General and his other staff officers. He shall also, with the advice and consent of the Senate, appoint all Major Generals and Brigadier Generals.

Section 7. The General Assembly shall provide for the safe keeping of the public arms, military records, banners and relics of the State.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to *bona fide* purchasers. No tax shall be imposed on lands the **S.29**] property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

Section 2. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by

the government of the United States, or of this State, or of the late Confederate States, or any of them to do such act. And if any action or proceedings shall have been, or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

Section 3. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

Section 4. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

Section 5. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.

Section 6. All officers, both civil and military, under the authority of this State, shall before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

Section 7. The compensation or fees of no State, county or municipal officer shall be increased during his term of office, nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.

Section 8. The appointment of all officers not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

Section 9. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

Section 10. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations in writing to the court.

S.30] ARTICLE XV.

MODE OF AMENDING THE CONSTITUTION.

Section 1. This Constitution may be amended and revised only in pursuance of the provisions of this article.

Section 2. The General Assembly, may at any time, propose such amendments to this constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by

yeas and nays and entered in full on the journals. The proposed amendments shall be published with the laws of that session, and also shall be published weekly in some newspaper, if such there be, within each county in the State, for four consecutive weeks next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. If a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendments, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

Section 3. The General Assembly may at any time authorize, by law, a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a convention, on a day not less than three and within six months after that on which the said question shall have been voted on. At such elections each senatorial district shall elect two delegates for each Senator to which it may be then entitled in the General Assembly, and every such delegate shall have the qualifications of a State Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a convention, and proceed to revise and amend the Constitution; and the Constitution when so revised and amended, shall on a day to be therein fixed, not less than sixty days or more than six months after that on which it shall have been adopted by the convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The reult of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than in this section specified, to authorize a convention for revising and amending the Constitution.

On motion of Mr. Switzler Article XI on Education was taken up and read the first time.

S.31] On motion of Mr. Switzler the rule was suspended, Article XI considered read the second time, and adopted by the following vote:

AYES.

Adams	Black	Conway	Davis	Edwards
Alexander	Carleton	Cottey	Dysart	of Iron
Allen	Chrisman	Crockett		

Edwards of St. Louis	Hardin	McAfee	Priest	Rucker	
Eitzen	Holliday	McCabe	Pulitzer	Shanklin	
Fyan	Hyer	McKillop	Ray	Switzler	
Gantt	Johnson of Cole	Mortell	Rider	Taylor of Jasper	
Gottschalk	Lackland	Mudd	Rippey	Wagner	
Hale	Lay	Nickerson	Roberts	Watkins	
Halliburton	Mabrey	Norton	Ross of Polk		48
Hammond		Pipkin			

NOES.

Boone	Massey	Shackelford	Todd	
Crews	Ross of Morgan	Taylor of St. Louis	Wallace	8

ABSENT.

Broadhead	Johnston of Nodaway	Letcher	Spaunhorst	
Brockmeyer		Shields		7
Farris				

ABSENT WITH LEAVE.

Bradfield	Maxey	Mr. President	
Dryden	McKee		5

On motion, Article XI was ordered enrolled as a part of the Constitution.

On motion of Mr. Taylor of St. Louis Article XIII on Militia was taken up and read the first time.

Mr. Spaunhorst moved that the rule be suspended, Article XIII considered read the second time and placed on its passage, which was agreed to.

Article XIII was then adopted by the following vote:

AYES.

Adams	Edwards of Iron	Hyer	Norton	Shackelford	
Alexander		Johnson of Cole	Pipkin	Shanklin	
Allen	Edwards of St. Louis	Lackland	Priest	Spaunhorst	
Black		Lay	Pulitzer	Switzler	
Boone	Eitzen	Mabrey	Ray	Taylor of Jasper	
Carleton	Fyan	Massey	Rider	Taylor of St. Louis	
Chrisman	Gantt	McAfee	Rippey		
Conway	Gottschalk	McCabe	Ross of Morgan	Todd	
Crews	Hale	McKillop	Ross of Polk	Wagner	
Crockett	Halliburton	Mortell	Rucker	Wallace	
Davis	Hammond	Nickerson	Shanklin	Watkins	53
Dysart	Hardin				

NOES.

Cottey 1

ABSENT.

Broadhead	Holliday	Letcher	Roberts	Mr. President
Brockmeyer	Johnston	Mudd	Shields	10
Farris	of Nodaway			

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

On motion of Mr. Taylor of St. Louis Article XIII was ordered enrolled as a part of the Constitution.

On motion of Mr. Taylor of St. Louis Article XV on Mode of Amending the Constitution was taken up and read the first time.

On motion of Mr. Watkins the rule was suspended, Article XV considerd read the second time and adopted by the following vote:

AYES.

S.32] Adams	Edwards	Johnson	Priest	Shanklin
Alexander	of Iron	of Cole	Pulitzer	Spaunhorst
Allen	Edwards	Lackland	Ray	Switzler
Black	of St. Louis	Lay	Rider	Taylor
Boone	Eitzen	Mabrey	Rippey	of Jasper
Carleton	Fyan	Massey	Roberts	Taylor
Chrisman	Gantt	McAfee	Ross	of St. Louis
Conway	Gottschalk	McCabe	of Morgan	Todd
Cottey	Hale	McKillop	Ross	Wagner
Crews	Halliburton	Mortell	of Polk	Wallace
Crockett	Hammond	Nickerson	Rucker	Watkins
Davis	Hardin	Norton	Shackelford	55
Dysart	Hyer	Pipkin		

NOES.

None

ABSENT.

Broadhead	Farris	Johnston	Letcher	Shields
Brockmeyer	Holliday	of Nodaway	Mudd	Mr. President
				9

ABSENT WITH LEAVE.

Bradfield	Dryden	Maxey	McKee	4

On motion, Article XV was ordered enrolled as a part of the Constitution.

Mr. Priest offered the following resolution:

Resolved, That the officers of this Convention, who have no vote in its proceedings, be and they are hereby allowed their per diem out of the contingent fund.

which was read.

The Chair announced the following Special Committee on the article in regard to a court of claims. Ross of Morgan, Lay, McAfee.

On motion of Mr. Switzler the Convention adjourned until tomorow at 8 o'clock, a. m.

S.33] **FRIDAY, JULY 30, 1875.**

MORNING SESSION.

The Convention met pursuant to adjournment, the Vice-President in the chair.

The Journal of yesterday was read and approved.

Mr. Crews offered the following resolution:

Resolved, That three dollars per day be allowed and paid out of the contingent fund to each minister of the Gospel, for each day's services rendered by them to this Convention.

The special order being the consideration of the report of the St. Louis Delegation on Sections five, six, seven, eight, nine, ten and eleven of the report of the Committee on Executive and Ministerial Officers of County and Municipal Governments, it was taken up.

Mr. Gantt moved to pass over the first article informally, which was not agreed to.

Section five of Article I was read.

Under suspension of the rules, Mr. Switzler offered the following resolution:

Resolved, That owing to the delay and difficulty attending the enrollment in the usual form of an authentic copy of the Constitution, for deposit in the office of the Secretary of State, the President in conjunc-

tion with the Enrolling Committee, is authorized to suspend the enrollment heretofore ordered, and have a copy properly printed on parchment or other durable material.

which was read.

On motion of Mr. Fyan leave of absence was granted Mr. McAfee.

On motion of Mr. Dysart leave of absence was granted Mr. Rippey.

The ayes and noes being demanded by five members, the resolution was adopted by the following vote:

AYES.

Adams	Dysart	Letcher	Ross	Todd
Alexander	Edwards	McKee	of Polk	Wagner
Boone	of St. Louis	Nickerson	Shackelford	Watkins
Broadhead	Fyan	Pipkin	Spaunhorst	Mr. President
Chrisman	Gantt	Pulitzer	Switzler	29
Crews	Gottschalk	Ray	Taylor	
Crockett	Hale	Roberts	of Jasper	

NOES.

Allen	Eitzen	Johnson	Mortell	Shields
Black	Halliburton	of Cole	Mudd	Taylor
Bradfield	Hammond	Lackland	Norton	of St. Louis
Conway	Holliday	Mabrey	Priest	Wallace
Cottey	Hyer	Massey	Rider	25
Davis		McCabe	Shanklin	

ABSENT.

Brockmeyer	Farris	Johnston	McKillop	Rucker
Edwards	Hardin	of Nodaway	Ross	9
of Iron		Lay	of Morgan	

ABSENT WITH LEAVE.

Dryden	Maxey	McAfee	Rippey	4

EXCUSED

Carleton	1

On motion of Mr. Spaunhorst leave of absence was granted Mr. Shields.

The Convention resumed the consideration of the report of the St. Louis Delegation, on Sections five, six, seven,

eight, nine, ten and eleven of the minority report of the Committee on Executive and Ministerial Officers of County and Municipal Government.

Section five of Article I was read and adopted.

Section six was read.

Mr. Gantt offered the following Amendment to Section six:

Amend by inserting before the words,"no person", in the first line the following, "In cities or counties having more than two hundred thousand inhabitants."

which was read and adopted.

Section six, as amended, was then adopted.

S. 34] Section seven was read and on motion of Mr. Gantt was stricken out.

Section eight was read and on motion of Mr. Gannt stricken out.

Section nine was read.

Mr. Gantt offered the following amendment to Section nine:

Amend by inserting the words, "having more than two hundred thousand inhabitants," after the word "State" in the first line.

which was read and adopted.

Section nine, as amended, was then adopted.

Section one of Article II was read.

Mr. Gantt offered the following amendment to Section one:

Amend by striking out "may" in the fourth line, and inserting "shall" in lieu thereof.

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Amend by inserting after "election" in the fourth line, the words, "to be held as provided for general elections."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one:

Amend by inserting after the word "city" in the sixth line, the words, "the reorganization of the government of the county."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Amend by inserting after the word "signed" in the eleventh line the words, "in duplicate."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Amend by inserting before "returned" in the twelfth line, the words "one of them."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one:

Amend by inserting after the word "city" in the twelfth line the words, "and the other to the presiding justice of the county court."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Amend by inserting before the word "city" in the fourteenth line, the word "the."

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Amend by striking out the word, "four-sevenths (4-7)," and inserting the words, "a majority," in lieu thereof.

which was read and adopted.

Mr. Gantt offered the following amendment to Section one, as amended:

Strike out the word "all" at the end of the eighteenth line, and all of the nineteenth line down to the words, "the charter," and add to the section the words, "and all special laws relating to St. Louis county inconsistent with such scheme."

which was read and adopted.

Mr. Hale offered the following amendment to Section one:

Amend Section one by adding the following: "*Provided*, That this section shall not be so construed, as to prohibit the General Assembly from amending, altering or repealing said charter so adopted, whenever it may be necessary for the public interests."

which was read.

Mr. Mudd offered the following substitute for the amendment offered by Mr. Hale:

Substitute for the amendment the following: "*Provided*, That nothing in this article shall be so construed as to exempt said city from the operating of any general law, which may be enacted regulating incorporated cities."

By unanimous consent of the Convention, Mr. Mudd withdrew the substitute.

Mr. Adams offered the following substitute for the amendment offered by Mr. Hale:

Notwithstanding the provisions of this Article the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties in this State.

which was read.

S.35] The ayes and noes being demanded by five members, the substitute was adopted by the following vote:

AYES.

Adams	Dysart	Holliday	Norton	Spaunhorst
Alexander	Edwards	Hyer	Pipkin	Switzler
Allen	of Iron	Johnson	Priest	Taylor
Boone	Edwards	of Cole	Pulitzer	of Jasper
Bradfield	of St. Louis	Lackland	Ray	Taylor
Broadhead	Eitzen	Letcher	Rider	of St. Louis
Carleton	Fyan	Mabrey	Rippey	Todd
Chrisman	Gantt	Massey	Roberts	Wagner
Conway	Gottschalk	McCabe	Rucker	Watkins
Cottey	Halliburton	McKillop	Shackelford	Mr. President
Crews	Hammond	Mudd	Shanklin	51
Crockett	Hardin	Nickerson		

NOES.

Hale	McKee	Mortell	Wallace	4

ABSENT.

Alexander	Davis	Johnston	Ross	Ross
Black	Farris	of Nodaway	of Morgan	of Polk
Brockmeyer		Lay		9

ABSENT WITH LEAVE.

Dryden	Maxey	McAfee	Shields	4

Mr. Wagner offered the following amendment to Section one:

Amend by inserting after the word "with" in the eighth line, the words, "and subject to."

which was read and adopted.

The question recurring on the adoption of Section one, as amended, it was adopted by the following vote:

AYES.

Adams	Dysart	Hyer	Norton	Shanklin
Alexander	Edwards	Johnson	Pipkin	Spaunhorst
Allen	of Iron	of Cole	Priest	Switzler
Boone	Edwards	Lackland	Pulitzer	Taylor
Bradfield	of St. Louis	Letcher	Ray	of Jasper
Broadhead	Eitzen	Mabrey	Rider	Taylor
Carleton	Fyan	Massey	Rippey	of St. Louis
Chrisman	Gantt	McCabe	Roberts	Todd
Conway	Gottschalk	McKee	Ross	Wagner
Cottey	Halliburton	McKillop	of Polk	Watkins
Crews	Hammond	Mudd	Rucker	Mr. President
Crockett	Hardin	Nickerson	Shackelford	53

NOES.

Hale	Holliday	Mortell	Wallace	4

ABSENT.

Black	Davis	Johnston	Lay	Shields	
Brockmeyer	Farris	of Nodaway	Ross		8
			of Morgan		

ABSENT WITH LEAVE.

Dryden	Maxey	McAfee	3

Section two was read and adopted.

Section three was read.

Mr. Norton offered the following amendment to Section three:

Strike out the words, "and not otherwise," in the fourth line.

which was read and adopted.

The question recurring upon the adoption of Section three, as amended, it was adopted.

Mr. Conway moved to adjourn, which was not agreed to.

Section four was read.

Mr. Gantt offered the following amendment to Section four:

Amend by inserting the words, "and property," after the word "buildings" in line 5.

which was read and agreed to.

Mr. Wagner offered the following amendment to Section four, as amended:

S.36] Amend by inserting after the word "with" in the first line, the words, "and subject to."

which was read and adopted.

Mr. Norton offered the following amendment to Section four, as amended:

Amend Section four by inserting the words, "for city purposes," after the word "taxation" in the second line.

which was read and adopted.

Mr. Gantt offered the following amendment to Section four as amended:

Amend Section four by striking out all after the word "other" in line 7, and insert as follows: "the powers exercised by, and the duties imposed on the county court of St. Louis county, as to the management and control of county affairs shall, within the limits of said city, devolve upon and be exercised and administered by the government of said city, and the said city shall have and retain the same relations to the State as a municipal subdivision thereof that the counties now do."

which was read.

On motion of Mr. Norton the Convention adjourned until 2 o'clock p. m.

AFTERNOON SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Wallace from the Committee on Miscellaneous Provisions submitted the following report:

Mr. President:

The Committee on Miscellaneous Provisions of the Constitution has, according to order, had under consideration the proposed new section to the Constitution, with reference to the prosecution and removal from office of officers of counties, cities, towns and townships, and has instructed me to report the following as a substitute and recommend its passage:

Section—The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town and township officers on conviction of wilful, corrupt or fradulent violation or neglect of official duty.

H. C. Wallace, *Chairman.*

which was read, rule suspended, read the second time and on motion referred to Committee on Revision.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President:

Your Committee on Revision to which was referred Article XII on Corporations has instructed me to report that it carefully considered, revised and corrected same, and said article is herewith reported properly engrossed and printed, July 30, 1875.

A. R. Taylor, *Chairman.*

which was read.

The following article accompanying the report:

ARTICLE XII.

CORPORATIONS.

Section 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.

Section 2. No corporation, after the adoption of this Constitution, shall be created by special laws; nor shall any existing charter be extended, changed or amended by special laws, except those for charitable, penal or reformatory purposes, which are under the patronage and control of the State.

Section 3. The General Assembly shall not remit the forfeiture of S.37] the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporations.

Section 4. The exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The

right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Section 5. The exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

Section 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates, and such directors or managers shall not be elected in any other manner.

Section 7. No corporation shall engage in business other than that expressly authorized in its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate for any longer period than six years, except such as may be necessary and proper for carrying on its legitimate business.

Section 8. No corporation shall issue stock or bonds, except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days public notice, as may be provided by law.

Section 9. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.

Section 10. No corporation shall issue preferred stock without the consent of all the stockholders.

Section 11. The term "corporation" as used in this article shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships.

Section 12. The power to tax corporations and corporate property shall not be suspended or surrendered by act of the General Assembly.

RAILROADS.

Section 13. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance, and suitable laws shall be passed by the General Assembly to enforce this provision, but excursion and commutation tickets may be issued at special rates.

S.38] Section 14. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its roads to intersect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Section 15. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct abuses and prevent unjust discriminations and extortions in the rates of freight and passenger tariffs on the different railroads in this State, and shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

Section 16. Every railroad or other corporation, organized or doing business in this State under the laws or authority therefor, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in the State, public notice of which shall be given thirty days previously and shall report annually, under oath, to the State Auditor, or some officer designated by law, all of their acts and doings, which reports shall include such matters relating to railroads as may be prescribed by law. The General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

Section 17. The rolling stock and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution.

Section 18. No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any railroad corporation owning or having under its control a parallel or competing lines, shall, when demanded, be decided by a jury, as other civil issues.

Section 19. If any railroad company organized under the laws of this State, shall consolidate by sale or otherwise, with any railroad company organized under the laws of any other State, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may S.39] arise, as if consolidation had not taken place. In no case shall any

consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

Section 20. The General Assembly shall pass no law for the benefit of railroad or other corporations, or any individual or association of individuals, whether retrospective, curative or confirmatory in its operation, which imposes on the people of any county or municipal subdivision of the State a new liability in respect to transactions or considerations already past.

Section 21. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town, village, or any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent first obtained.

Section 22. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

Section 23. No president, director, officer, agent or employee of any railroad company shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Section 24. No discrimination in charges of facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise; and no railroad company, or any lessees, manager or employe thereof, shall make any preference in furnishing cars or motive power.

Section 25. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State, or county, or municipal officers: and the acceptance of any such pass or ticket, by a member of the General Assembly or any such officer, shall be a forfeiture of his office.

BANKS.

Section 26. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock company, or association for banking purposes, now created or hereafter to be created.

Section 27. No act of the General Assembly authorizing or creating corporations or associations with banking powers (except banks of deposit or discount), nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.

Section 28. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to asssent to the reception of deposits or the creation of debts by such banking institutions, S.40] after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent or manager shall be individually responsible for such deposit so received, and all such debts so created with his assent.

On motion, Article XII was laid over informally.

The Convention resumed the consideration of Section four and amendment offered by Mr. Gantt pending at adjournment.

Mr. Gantt, by unanimous consent of the Convention, withdrew his amendment.

Mr. Gantt offered the following amendment to Section four:

Strike out in the ninth line the word "governed" and all the rest of the line.

which was read and adopted.

Mr. Gantt offered the following amendment to Section four:

Insert after "assembly" in the tenth line the words, "collect the State revenue and perform all other functions in relation to the State in the same manner."

which was read and adopted.

Mr. Gantt offered the following amendment to Section four:

Amend by adding to the new section as follows: "and until after the next apportionment for Senators and Representatives in the General Assembly, the city shall have six Senators and fifteen Representatives and the county one Senator and two Representatives, the same being the number of Senators and Representatives to which the county of St. Louis, as now organized, is entitled under Sections eight and eleven of Article IV of this Constitution."

which was read and adopted.

Section four as amended was then adopted.

Section five was read and adopted.

Mr. Taylor of St. Louis offered the following as a new section to the report of the St. Louis Delegation on Miscellaneous Provisions:

Section—Any city having a population of more than two hundred thousand inhabitants may form a charter for its own government, consistent with the Constitution and laws of this State, by composing a board of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election; which board shall within ninety days after such election return to the chief magistrate of such city a draft of such charter, signed by the members of such board or a majority of them. Within thirty days thereafter such proposed charter shall be submitted to the qualified voters of such city at a general or special election, and if four-sevenths of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city and supersede any existing charter and amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which S.41] such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter so adopted may be amended by a proposal therefor, made by the lawmaking authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a German newspaper, and accepted by three-fifths of the qualified voters of such city, voting at a general or special election, and not otherwise; but such charter shall always be in harmony with the Constitution and laws of the State.

which was read.

Mr. Wagner offered the following amendment to the new section:

Amend the new section by inserting after the word "with" in the second line and also after the word "with" in the nineteenth line the words "and subject to."

which was read and adopted.

Mr. Crews offered the following amendment to the new section:

Amend new section by striking out "two hundred thousand" in the first line and inserting in its place "one hundred thousand."

which was read and adopted.

The question recurring on the adoption of the new section as amended, it was adopted.

Mr. Gottschalk offered the following as a new section:

Section— It. shall be a feature of all such charters that they shall provide, among other things, for a mayor or chief magistrate, and two

houses of legislation, one of which at least shall be elected by general ticket, and in submitting any such charter or amendment thereto to the qualified voters of such city, any alternative section or article may be presented for the choice of the voters, and may be voted on separately and accepted or rejected separately without prejudice to other articles or sections of the charter or any amendments thereto.

which was read.

The ayes and noes being demanded by five members, the new section was adopted by the following vote:

AYES.

Allen	Edwards of Iron	Johnson of Cole	Nickerson	Switzler
Boone	Edwards of St. Louis	Lackland	Pipkin	Taylor of Jasper
Bradfield	Eitzen	Lay	Pulitzer	Taylor of St. Louis
Broadhead	Fyan	Letcher	Ray	Todd
Carleton	Gantt	Mabrey	Rippey	Wagner
Chrisman	Gottschalk	Maxey	Ross of Polk	Watkins
Conway	Hale	McKee	Rucker	Mr. President
Crews	Hammond	McKillop	Shackelford	44
Davis	Hardin	Mudd	Spaunhorst	
Dysart				

NOES.

Cottey	Halliburton	Massey	Priest	Wallace
Crockett	Hyer			7

ABSENT.

Adams	Brockmeyer	Johnston of Nodaway	Norton	Ross of Morgan
Alexander	Farris	McCabe	Rider	Shanklin
Black	Holliday	Mortell	Roberts	14

ABSENT WITH LEAVE.

Dryden	McAfee	Shields	3

On motion of Mr. Gottschalk the report of the Committee on Executive and Ministerial Officers of County and Municipal Government was referred to the Committee on Revision with instructions to revise, correct, and report the same back to the Convention properly engrossed and printed for final adoption.

S.42] On motion of Mr. Taylor of St. Louis Article XII on Corporations was taken up and read first time.

Under suspension of the rule Mr. Hardin moved to reconsider the vote by which Section twelve was adopted, which was agreed to.

The question then being on the adoption of Section twelve, it was rejected.

On motion of Mr. Taylor of St. Louis the Secretary was authorized to renumber the sections of Article XII.

On motion of Mr. Taylor of St. Louis the rule was suspended, Article XII considered read the second time and adopted by the following vote:

AYES.

Adams	Edwards	Holliday	McKillop	Shackelford
Alexander	of Iron	Hyer	Nickerson	Spaunhorst
Boone	Edwards	Johnson	Norton	Switzler
Bradfield	of St. Louis	of Cole	Pipkin	Taylor
Broadhead	Eitzen	Lay	Priest	of Jasper
Carleton	Fyan	Letcher	Ray	Taylor
Chrisman	Gantt	Mabrey	Rider	of St. Louis
Conway	Gottschalk	Massey	Rippey	Wagner
Cottey	Hale	Maxey	Ross	Watkins
Crews	Halliburton	McCabe	of Morgan	Mr. President
Davis	Hammond	McKee	Rucker	50
Dysart	Hardin			

NOES.

Allen	Lackland	Mudd	Todd	4

ABSENT.

Black	Farris	Mortell	Roberts	Shanklin
Brockmeyer	Johnston	Pulitzer	Ross	Wallace
Crockett	of Nodaway		of Polk	11

ABSENT WITH LEAVE.

Dryden	McAfee	Shields	3

On motion of Mr. Taylor of St. Louis Article XII was ordered enrolled as a part of the Constitution.

Mr. Taylor from the Committee on Revision submitted the following report:

Mr. President:

Your Committee on Revision, to which was referred back the Article on Miscellaneous Provisions together with the new section, has in-

structed me to report that it has carefully considered, revised and corrected same, and said new section is herewith reported with said article.

A. R. Taylor, *Chairman.*

which was read.

Mr. Wallace called up his new section offered on yesterday to the report on Miscellaneous Provisions, which was read the second time and adopted.

Mr. Hammond offered the following as a new section to the Article on Miscellaneous Provisions:

Section—. No clerk of any court established by this Constitution or by any law of this State shall apply to his own use, for the fees and emoluments of his office, including fees for recording deeds and instruments of writing, when any such clerk is *ex officio* recorder, a greater sum than two thousand five hundred dollars in counties having less than two hundred and fifty thousand inhabitants, nor a greater sum than four thousand dollars in counties having more than that number of inhabitants, for any **S.43**] one year of his official term after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary and may allow, but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

which was read.

Mr. Maxey moved to lay the new section offered by Mr. Hammond on the table. The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES.

Adams	Chrisman	Hardin	McKee	Roberts	
Alexander	Conway	Holliday	McKillop	Switzler	
Allen	Cottey	Johnson	Nickerson	Taylor	
Boone	Dysart	of Cole	Pipkin	of Jasper	
Bradfield	Eitzen	Lackland	Priest	Taylor	
Broadhead	Gantt	Mabrey	Ray	of St. Louis	
Carleton	Gottschalk	Massey	Rippey	Watkins	33

NOES.

Crews	Edwards	Edwards	Fyan	Halliburton
Davis	of Iron	of St. Louis	Hale	Hammond

Hyer	Mudd	Ross	Spaunhorst	Wallace
Lay	Rider	of Polk	Todd	Mr. President
Letcher	Ross	Shackelford	Wagner	22
McCabe	of Morgan			

ABSENT.

Black	Farris	Mortell	Pulitzer	Shanklin
Brockmeyer	Johnston	Norton	Rucker	10
Crockett	of Nodaway			

ABSENT WITH LEAVE.

Dryden	McAfee	Shields	3

On motion of Mr. Spaunhorst the rule was suspended, Article XIV on Miscellaneous Provisions read the second time, and adopted by the following vote:

AYES.

Adams	Edwards	Hyer	Nickerson	Shackelford
Alexander	of Iron	Johnson	Norton	Shields
Allen	Edwards	of Cole	Pipkin	Spaunhorst
Boone	of St. Louis	Lackland	Priest	Switzler
Bradfield	Eitzen	Lay	Ray	Taylor
Broadhead	Fyan	Letcher	Rider	of Jasper
Carleton	Gantt	Mabrey	Rippey	Taylor
Chrisman	Gottschalk	Massey	Roberts	of St. Louis
Conway	Hale	Maxey	Ross	Todd
Cottey	Halliburton	McCabe	of Morgan	Wagner
Crews	Hammond	McKee	Ross	Wallace
Davis	Hardin	McKillop	of Polk	Watkins
Dysart	Holliday	Mudd	Rucker	Mr. President
				58

NOES.

None

ABSENT.

Black	Crockett	Johnston	Mortell	Shanklin
Brockmeyer	Farris	of Nodaway	Pulitzer	8

ABSENT WITH LEAVE.

Dryden	McAfee	2

On motion of Mr. Halliburton Article XIV was ordered enrolled as a part of the Constitution.

Mr. Letcher offered the following as a new section:

Section — .In lieu of the tax provided for in Section fourteen of Article X of this Constitution there shall be assessed and collected until

such time as the General Assembly shall convene in the year 1877, an annual tax of twenty cents on the hundred dollars valuation, upon all real estate and other property and effects subject to taxation, the proceeds of which tax shall be appropriated and paid out for the purpose in said section directed.

S.44] which was read, rule suspended, read the second time and referred to the Committee on Schedule.

Mr. Norton offered the following resolution:

Resolved, That Chas. Wm. Coombs, journal clerk of this Convention, be allowed pay from May 5th to May 12th inclusive.

which was read and adopted.

Mr. Crews called up his resolution in relation to pay of ministers for services rendered the Convention as chaplains, which was read and, by unanimous consent, withdrawn.

Mr. Gottschalk called up his substitute in relation to printing fifty thousand copies of the Constitution, which was read.

Mr. Gottschalk offered the following amendment to the substitute:

Amend by adding the following: "And be it further resolved, That Messrs. Lay, Johnson of Cole, and Switzler act as a committee to superintend the printing of the same."

which was read and, on motion of Mr. Spaunhorst, referred to the Committee on Printing with instructions to report tomorrow morning.

On motion of Mr. Halliburton the Convention adjourned until tomorrow at 8 o'clock, a. m.

S.45] **SATURDAY, JULY 31, 1875.**

MORNING SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. A. H. Parker.

The journal of yesterday was read and approved.

Mr. Taylor of St. Louis, from the Committee on Revision, submitted the following report:

Mr. President:

Your Committee on Revision to which was referred the Article on Revenue and Taxation, has instructed me to report that it was carefully considered, revised and corrected same and said article is herewith reported properly engrossed and printed.

A. R. Taylor, *Chairman.*

ARTICLE X.

REVENUE AND TAXATION.

Section 1. The taxing power may be exercised by the General Assembly for State purposes, and by counties and other municipal corporations, under authority granted to them by the General Assembly, for county and other corporate purposes.

Section 2. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly.

Section 3. Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

Section 4. All property subject to taxation shall be taxed in proportion to its value.

Section 5. All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises, and their capital stock.

Section 6. The property, real and personal, of the State, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also, such property, real or personal, as may be used exclusively for agricultural or horticultural societies; *Provided*, That such exemptions shall be only by general law.

Section 7. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Section 8. The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars valuation, and whenever the taxable property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

S.46] Section 9. No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be re-

leased or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Section 10. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Section 11. Taxes for county, city, town and school purposes may be levied on such subjects or objects as may be taxable for the time being, for State purposes; but the assessment therefor shall not exceed the assessment made by the State. For county purposes the annual rate on property, in counties having six million dollars or less, shall not, in the aggregate, exceed fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars, said rate shall not exceed forty cents on the hundred dollars valuation; in counties having ten million dollars and under thirty million dollars, said rate shall not exceed fifty cents on the hundred dollars valuation, and in counties having thirty million dollars or more, said rate shall not exceed thirty-five cents on the hundred dollars valuation. For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more, shall not, in the aggregate, exceed one hundred cents on the hundred dollars valuation; in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation; in cities and towns having less than ten thousand and more than one thousand inhabitants, said rate shall not exceed fifty cents on the hundred dollars valuation; and in towns having one thousand inhabitants or less, said rate shall not exceed twenty-five cents on the hundred dollars valuation. For school purposes in districts, the annual rate on property shall not exceed forty cents on the hundred dollars valuation: *Provided*, The aforesaid annual rates for school purposes may be increased in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are taxpayers, voting at an election held to decide the question, vote for said increase. For the purpose of erecting public buildings in counties, cities or school districts, the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two-thirds of the qualified voters of such county, city, or school district, voting at such election shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for State and county purposes, and the rate allowed to each city or town by the number of inhabitants according to the last census taken under the authority of the State or of the United States; said restrictions as to rates shall apply to taxes of every kind and description, whether general or special, except taxes to

pay valid indebtedness now existing, or bonds which may be issued in renewal of such indebtedness.

S.47] Section 12. No county, city, town, township, school district or other political corporation or subdivision of the State, shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness; *Provided*, That with such assent any county may be allowed to become indebted to a larger amount for the erection of a court house or jail; *and provided further*, that any county, city, town, township, school district or other political corporation, or subdivision of the State incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for payment of the principal thereof within twenty years from the time of contracting the same.

Section 13. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

Section 14. The tax authorized by the sixth section of the Ordinance adopted June sixth, one thousand eight hundred and sixty-five, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars, the proceeds of which tax shall be paid into the State treasury, and appropriated and paid out for the purposes expressed in the first and second subdivisions of Section forty-three of Article IV of this Constitution. The funds and resources now in the State interest and State sinking funds shall be appropriated to the same purposes; and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

Section 15. All moneys now, or at any time hereafter, in the State treasury, belonging to the State, shall, immediately on receipt thereof, be deposited by the Treasurer to the credit of the State for the benefit of the funds to which they respectively belong in such bank or banks, as he may, from time to time, with the approval of the Governor and Attorney-General select, the said bank or banks giving security, satisfactory to the Governor and Attorney-General, for the safe keeping and payment of such deposits, when demanded by the State Treasurer on his checks—such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State, ac-

cording to law, upon warrants drawn by the Auditor of the State, and not otherwise.

Section 16. The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom; and shall publish, in such manner as the Governor may designate, quarterly statements, showing the amount of State moneys, and where the same are kept or deposited.

S. 48] Section 17. The making of profit out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Section 18. There shall be a State Board of Equalization, consisting of one member to be elected at each general election, by the voters of each congressional district, who shall possess the qualifications and be entitled to the same pay as a State Senator, and whose term of office shall be two years. The duty of said board shall be to adjust and equalize the valuations of real and personal property among the several counties in the State, at such times, and according to such rules as the General Assembly may provide.

Section 19. No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made, or a warrant shall have issued therefor, within two years after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such sum or object. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Section 20. The moneys arising from any loan, debt or liability, contracted by the State, or any county, city, town, or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

Section 21. No corporation, company or association, other than those formed for benevolent, religious, scientific or educational purposes, shall be created or organized under the laws of this State, unless the persons named as corporators shall, at or before the filing of the articles of association or incorporation, pay into the State treasury fifty dollars for the first fifty thousand dollars or less of capital stock, and a further sum of five dollars for every additional ten thousand dollars of its capital stock. And no such corporation, company or association shall increase its capital stock without first paying into the treasury five dollars for every ten thousand dollars of increase; *Provided*, That nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation.

Mr. Edwards of St. Louis, from the Special Committee

on the debt due the State from the sale of the Southwest Pacific Railroad, submitted the following report:

Mr. President: The Committee appointed to inquire and recommend such action as may be necessary to secure to the State the moneys due on account of the sale of the South Pacific Railroad, begs leave to report that upon inquiry it learns that the last instalment will not fall due until June, 1876, and that as it is the intention of the State officials who have the matter in charge to institute the necessary proceedings, when said installment becomes due, your Committee does not consider it advisable to urge action at this time.

which was read and on motion laid on the table.

S.49] Mr. Gantt offered the following resolution:

Resolved, That the sergeant-at-arms and doorkeeper do forthwith collect and deliver to the Secretary of State the copies of the statutes of Missouri furnished to the members of this Convention by the Secretary of State at the commencement of the session.

which was read and adopted.

Mr. Taylor of St. Louis moved that Article X on Revenue and Taxation be taken up and read the first time, which was agreed to.

Mr. Spaunhorst moved that the rule be suspended and Article X be considered read the second time, which was agreed to.

Mr. Boone moved to reconsider the vote by which Section eleven of Article X on Revenue and Taxation was adopted. Mr. Norton moved to lay the motion to reconsider on the table. The ayes and noes being demanded by five members, the motion to lay on the table was adopted by the following vote:

AYES.

Alexander	Edwards	Johnson	Mudd	Ross
Brockmeyer	of St. Louis	of Cole	Nickerson	of Morgan
Carleton	Eitzen	Letcher	Norton	Switzler
Cottey	Gottschalk	Mabrey	Pipkin	Taylor
Crews	Halliburton	Massey	Priest	of Jasper
Crockett	Hammond	Maxey	Pulitzer	Todd
Dysart	Hardin	McKee	Ray	Wagner
Edwards	Hyer	McKillop	Rider	Wallace
of Iron				Watkins 37

NOES.

Adams	Bradfield	Fyan	Lackland	Rucker
Allen	Chrisman	Gantt	Lay	Spaunhorst
Black	Conway	Hale	McCabe	Mr. President
Boone	Davis	Holliday	Ross of Polk	19

ABSENT.

Broadhead	Johnston of Nodaway	Mortell	Rippey	Roberts
Farris				6

ABSENT WITH LEAVE.

Dryden	Shackelford	Shanklin	Shields	Taylor of St. Louis
McAfee				6

Mr. Black offered the following resolution:

Resolved, That the rules be suspended for the purpose only of amending Section eleven, by striking out lines first, second and third.

which was read and rejected.

Mr. Pulitzer moved to suspend the rules in order to reconsider the vote by which Section eighteen of Article X on Revenue and Taxation was adopted. The ayes and noes being demanded by five members, the motion to suspend the rules was adopted by the following vote:

AYES.

Adams	Davis	Holliday	Nickerson	Rucker
Alexander	Dysart	Hyer	Norton	Spaunhorst
Allen	Edwards of Iron	Johnson of Cole	Pipkin	Switzler
Black	Gantt	Lackland	Priest	Taylor of Jasper
Boone	Gottschalk	Lay	Pulitzer	Wallace
Bradfield	Hale	Massey	Rider	Watkins
Chrisman	Hammond	McCabe	Ross of Morgan	Mr. President
Conway	Hardin	McKee		39
Cottey				

NOES.

S.50]	Edwards of St. Louis	Halliburton	McKillop	Ross of Polk
Brockmeyer		Letcher	Mudd	
Carleton	Eitzen	Mabrey	Ray	Todd
Crews	Fyan	Maxey	Rippey	Wagner 18
Crockett				

ABSENT.

Broadhead	Johnston	Mortell	Roberts	5
Farris	of Nodaway			

ABSENT WITH LEAVE.

Dryden	Shackelford	Shanklin	Taylor	
McAfee		Shields	of St. Louis	6

Mr. Brockmeyer moved to reconsider the vote by which Section eighteen of Article X was adopted, which was agreed to.

Mr. Maxey offered the following substitute for Section eighteen of Article X:

There shall be a State Board of Equalization, to be composed of one member from each congressional district, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall possess all the qualifications and receive the same pay of a State Senator; they shall be appointed for term of two years, and shall perform such duties as a member of said Board of Equalization as may be prescribed by law.

which was read.

Mr. Maxey offered the following amendment to Section eighteen of Article X:

Amend the section by striking out all after the word "Equalization" in the first line and adding the following: "consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney-General. The duty of said board shall be to adjust and equalize the valuation of real and personal property among the several counties in the State at such times and according to such rules as the General Assembly may provide."

which was read.

Mr. Pipkin offered the following amendment to the amendment offered by Mr. Maxey:

Strike out all of Section eighteen to the period in the fourth line and insert the following: "There shall be a State Board of Equalization consisting of one-half of the Senators of the State to be chosen from alternate districts."

which was read and rejected.

Mr. Mudd rose to a point of order and stated that as the substitute offered by Mr. Massey and the amendment to Section eighteen offered by Mr. Maxey had been voted

on and rejected by the Convention heretofore, they were now out of order. The Chair decided the point of order not well taken. The question recurring on the adoption of the amendment to Section eighteen of Article X offered by Mr. Maxey, and the ayes and noes being demanded by five members, the amendment was adopted by the following vote:

AYES.

S.51]	Dysart	Hyer	Norton	Spaunhorst	
Adams	Edwards	Johnson	Pipkin	Taylor	
Black	of Iron	of Cole	Priest	of Jasper	
Boone	Gottschalk	Lackland	Pulitzer	Todd	
Bradfield	Hale	Lay	Ray	Mr. President	
Chrisman	Hammond	Mabrey	Rider		29
Cottey	Holliday	Maxey	Ross of Morgan		

NOES.

Alexander	Davis	Halliburton	McKillop	Ross	
Allen	Edwards	Hardin	Mudd	of Polk	
Brockmeyer	of St. Louis	Letcher	Nickerson	Switzler	
Conway	Eitzen	Massey	Rippey	Wagner	
Crews	Fyan	McCabe	Roberts	Wallace	26
Crockett	Gantt	McKee			

ABSENT.

Broadhead	Johnston	Mortell	Rucker	Watkins	
Farris	of Nodaway				6

ABSENT WITH LEAVE.

Carleton	McAfee	Shanklin	Shields	Taylor	
Dryden	Shackelford			of St. Louis	7

Mr. Holliday offered the following amendment to Section eighteen of Article X:

Amend by striking out all after the word "Equalization" and insert the following in lieu thereof: "as now organized, or as it may hereafter be organized by law, but such board shall not hereafter meet oftener than once in four years unless oftener convened by the Governor."

which was read and rejected.

The question recurring on the adoption of the substitute offered by Mr. Massey for Section eighteen, and the ayes

and noes being demanded by five members, it was rejected by the following vote:

AYES.

Alexander	Crews	Edwards of St. Louis	Hyer	Switzler
Allen	Crockett	Gantt	Massey	Wallace
Brockmeyer	Davis	Hardin	McCabe	Mr. President
Conway	Edwards of Iron	Holliday	Nickerson	20
Cottey				

NOES.

Adams	Gottschalk	Letcher	Priest	Ross of Polk
Black	Hale	Mabrey	Pulitzer	Spaunhorst
Boone	Halliburton	Maxey	Ray	Taylor of Jasper
Bradfield	Hammond	McKee	Rider	Todd
Chrisman	Johnson of Cole	McKillop	Rippey	Wagner
Dysart	Lackland	Mudd	Roberts	35
Eitzen	Lay	Norton	Ross of Morgan	
Fyan		Pipkin		

ABSENT.

Broadhead	Johnston of Nodaway	Mortell	Rucker	Watkins
Farris				6

ABSENT WITH LEAVE.

Carleton	McAfee	Shanklin	Shields	Taylor of St. Louis
Dryden	Shackelford			7

Mr. Rippey offered the following amendment to Section eighteen:

Amend by striking out all after "Equalization" in first line to the word "the" in the fourth line and insert in lieu thereof the following: "as may be provided by law, elected by the people, which shall consist of not more than one member from each congressional district."

which was read.

The ayes and noes being demanded by five members, the amendment was rejected by the following vote:

AYES.

Brockmeyer	Eitzen	Hardin	McKillop	Ross of Polk
Crews	Fyan	Hyer	Mudd	Todd
Crockett	Gantt	Letcher	Nickerson	Wagner
Edwards of St. Louis	Gottschalk	Mabrey	Rippey	22
	Halliburton	McKee	Roberts	

NOES.

S.52] Adams	Cottey	Holliday	McCabe	Spaunhorst	
Alexander	Davis	Johnson	Norton	Switzler	
Black	Dysart	of Cole	Pipkin	Taylor	
Boone	Edwards	Lackland	Priest	of Jasper	
Bradfield	of Iron	Lay	Ray	Wallace	
Chrisman	Hale	Massey	Ross	Mr. President	
Conway	Hammond	Maxey	of Morgan		31

ABSENT.

Allen	Farris	Johnston	Mortell	Rucker	
Broadhead		of Nodaway	Pulitzer	Watkins	8

ABSENT WITH LEAVE.

Carleton	McAfee	Shanklin	Shields	Taylor	
Dryden	Shackelford			of St. Louis	7

The question recurring on the adoption of Section eighteen as amended, and the ayes and noes being demanded by five members, it was adopted by the following vote:

AYES.

Adams	Edwards	Johnson	Norton	Spaunhorst	
Black	of Iron	of Cole	Pipkin	Switzler	
Boone	Edwards	Lackland	Ray	Taylor	
Bradfield	of St. Louis	Lay	Rider	of Jasper	
Chrisman	Gottschalk	Mabrey	Ross	Wallace	
Conway	Hale	Massey	of Morgan	Mr. President	
Crockett	Hammond	Maxey	Rucker		31
Dysart	Hyer				

NOES.

Alexander	Davis	Hardin	McKillop	Roberts	
Allen	Eitzen	Holliday	Mudd	Ross	
Brockmeyer	Fyan	Letcher	Nickerson	of Polk	
Cottey	Gantt	McCabe	Priest	Todd	
Crews	Halliburton	McKee	Rippey	Wagner	24

ABSENT.

Broadhead	Johnston	Mortell	Pulitzer	Watkins	
Farris	of Nodaway				6

ABSENT WITH LEAVE.

Carleton	McAfee	Shanklin	Shields	Taylor	
Dryden	Shackelford			of St. Louis	7

By unanimous consent, Mr. Adams offered the following amendment to Section eleven of Article X:

Strike out the first three lines of Section eleven and insert the following: "Taxes for county, city, town and school purposes may be levied on all subjects and objects of taxation, but the valuation of property therefor shall not exceed the valuation of the same property in such town or city or school district for State and county purposes."

which was read and adopted.

Mr. Hardin moved that the rule be suspended, Article X considered read a second time and placed on its final passage, which was agreed to.

On motion of Mr. Adams leave of absence was granted Mr. Shackelford.

Article X was then adopted by the following vote:

AYES.

Adams	Edwards	Johnson	Norton	Rucker	
Alexander	of Iron	of Cole	Pipkin	Spaunhorst	
Allen	Fyan	Lackland	Priest	Switzler	
Boone	Gantt	Lay	Ray	Taylor	
Bradfield	Hale	Letcher	Rider	of Jasper	
Conway	Halliburton	Mabrey	Roberts	Todd	
Cottey	Hammond	Massey	Ross	Wagner	
Crews	Hardin	Maxey	of Morgan	Wallace	
Crockett	Holliday	McCabe	Ross	Mr. President	
Davis	Hyer	McKee	of Polk		46
Dysart		Nickerson			

NOES.

Black	Eitzen	McKillop	Mudd	Rippey	
Chrisman	Gottschalk				7

ABSENT.

S.53]	Edwards	Farris	Mortell	Watkins	
Broadhead	of St. Louis	Johnston	Pulitzer		8
Brockmeyer		of Nodaway			

ABSENT WITH LEAVE.

Carleton	McAfee	Shanklin	Shields	Taylor	
Dryden	Shackelford			of St. Louis	7

On motion of Mr. Spaunhorst Article X was ordered enrolled as a part of the Constitution.

Mr. Lackland from the Committee on Printing submitted the following report:

Mr. President: Your Committee on Printing and Binding, to which was referred the resolution of Gottschalk for the purpose of ascertaining the cost of printing fifty thousand copies of the new Constitution with address, of which ten thousand are to be in the German language, begs leave to report that it has ascertained that the cost of forty thousand copies in English with paper covers will be about $686.00. The cost of ten thousand copies in German with paper covers will be about $225.00. Total will be about $911.00. They herewith return the estimate of the State Printers.

which was read and laid over informally.

Mr. Norton from the Committee on Schedule submitted the following report:

Mr. President: Your Committee on Schedule, to which was referred a section introduced by Mr. Letcher, instructs me to report that it has had the same under consideration and has agreed to the following substitute and recommends its adoption.

which was read.

The following section was recommended by the Committee on Schedule:

Section —.Until the General Assembly shall make provision for the payment of the State and railroad indebtedness of this State, in pursuance of Section fourteen of Article X of this Constitution, there shall be levied and collected an annual tax of one-fifth of one per centum on all real estate and other property and effects subject to taxation, the proceeds of which shall be applied to the payment of the interest on the bonded debt of this State as it matures. and the surplus, if any, shall be paid into the sinking fund and thereafter applied to the payment of such indebtedness and to no other purpose.

which was taken up, read the first time, rule suspended, read the second time and adopted.

On motion of Mr. Norton the section was referred to the Committee on Revision.

On motion of Mr. Eitzen the Convention adjourned until 2 o'clock, p. m.

S.54] AFTERNOON SESSION.

The Convention met pursuant to adjournment, the Vice-President in the chair.

Mr. Ross of Morgan from the Special Committee to which was referred the article establishing a court of claims submitted the following report:

Mr. President: Your Committee to which was referred Article —, establishing a Court of Claims, has had the subject under consideration and has instructed me to report the same back with the accompanying amendments and to recommend its adoption.

J. P. ROSS, *Chairman.*

which was read.

Mr. Crews moved that the rule be suspended and the Article on Court of Claims be considered read a second time, which was agreed to.

Mr. Gantt offered the following substitute for the article recommended by the Committee on Court of Claims:

SUITS AGAINST THE STATE.

Section 1. The circuit court of each county sitting as a court of equity shall have jurisdiction of all claims existing in behalf of any person against the State of Missouri for any matter or thing which would be the subject of a suit, if the State were liable to be sued.

Section 2. Every claim made against the State and presented to the circuit court shall be a statement in writing filed with the clerk thereof, verified by affidavit, and the claimant shall at the same time give security in the sum of at least two hundred dollars for all costs that may be incurred in the investigation if such claim be defeated. The clerk of the court shall thereupon make out a copy of the claim as filed, together with the vouchers on which it is founded and deliver the same to the attorney, who shall answer the same in writing, not under oath, and the case shall be set down for hearing at as early a day thereafter as may be.

Section 3. The testimony of every witness examined in open court shall be reduced to writing, and the deposition of every witness who cannot attend the trial personally shall be taken in pursuance of the general law relating to depositions and such rules as the court may prescribe, and the cause shall be heard by the court sitting as a court of equity. Whenever the decision of the court shall be in favor of the claim it shall be the duty of the court to certify all the evidence in the cause together with the rulings of the court thereon in matters of law to the Supreme Court; and in case of a decision adverse to the claim, the claimant may by bill of exceptions preserve all the evidence or so much

as he may deem, and the court shall consider necessary, to present fairly S. 55] the matter in controversy for review, and in either case an appeal will lie to the Supreme Court of Missouri when the Attorney-General shall appear for the State.

Section 4. If the Supreme Court of Missouri shall affirm a decision of the court that may be adverse to the claimant, the claim shall be forever barred. If the decision of the court be reversed the cause shall be tried again. If the Supreme Court directs further proceedings, according to the law declared by the Supreme Court, and if the Supreme Court should affirm a decision of the court in favor of the claimant, then the General Assembly shall, if in its judgment the demand is just, make an appropriation for the payment thereof. But it shall be competent for the General Assembly to review every such decision and disallow a claim at the first session thereof following the judgment of the Supreme Court and not afterwards; and its decision thereon shall be final.

Section 5. The General Assembly shall not, except as provided in this article, have power to allow any claim or demand against the State of Missouri.

Section 6. All claims now existing against the State of Missouri shall be presented within one year after this Constitution goes into effect, and prosecuted to final judgment, or they shall be forever barred; and all claims hereafter accruing against the State shall be so presented and prosecuted within two years after their accrual or they shall be forever barred.

which was read.

Mr. Norton moved to lay the report and substitute on the table. The ayes and noes being demanded by five members, the motion to lay on the table was agreed to by the following vote:

AYES.

Adams	Edwards	Letcher	Mudd	Switzler	
Alexander	of Iron	Massey	Nickerson	Taylor	
Allen	Edwards	Maxey	Norton	of Jasper	
Black	of St. Louis	McCabe	Pipkin	Todd	
Chrisman	Eitzen	McKee	Priest	Wagner	
Cottey	Farris	McKillop	Ray	Wallace	
Crockett	Fyan	Mortell	Rippey	Watkins	34
Davis	Hyer				

NOES

Boone	Dysart	Hammond	Pulitzer	Ross	
Bradfield	Gantt	Holliday	Rider	of Polk	
Carleton	Gottschalk	Lay	Ross	Rucker	
Conway	Hale	Mabrey	of Morgan	Spaunhorst	
Crews	Halliburton				20

ABSENT.

Broadhead	Hardin	Johnson	Johnston	Lackland	
Brockmeyer		of Cole	of Nodaway	Roberts	7

ABSENT WITH LEAVE.

Dryden	Shackelford	Shields	Taylor	Mr. President	
McAfee	Shanklin		of St. Louis		7

Mr. Cottey called up the resolution offered by Mr. Gottschalk in relation to the printing of fifty thousand copies of the Constitution and the address.

The question being on the adoption of the amendment offered by Mr. Gottschalk to the resolution, it was adopted.

S.56] Mr. Halliburton offered the following amendment to the resolution offered by Mr. Gottschalk:

Substitute for the resolution except that part as to the Committee: "Resolved that five thousand copies in English and fifteen hundred in German of the new Constitution with the address annexed be printed for distribution."

which was read and rejected.

Mr. Mudd offered the following amendment to the resolution:

Amend by adding, "*provided*, that not more than one thousand dollars shall be paid out of the contingent fund of the Convention for that purpose."

which was read.

The ayes and noes being demanded by five members the amendment was adopted by the following vote:

AYES.

Adams	Crews	Hale	Mudd	Rucker	
Alexander	Crockett	Hammond	Nickerson	Spaunhorst	
Allen	Davis	Hardin	Norton	Switzler	
Black	Edwards	Johnson	Pipkin	Taylor	
Boone	of Iron	of Cole	Pulitzer	of Jasper	
Bradfield	Edwards	Letcher	Ray	Todd	
Brockmeyer	of St. Louis	Mabrey	Rider	Wagner	
Carleton	Eitzen	Massey	Rippey	Wallace	
Chrisman	Fyan	McCabe	Roberts	Watkins	
Conway	Gantt	McKee	Ross	Mr. President	
Cottey	Gottschalk	McKillop	of Polk		49

NOES.

Dysart	Halliburton	Holliday	Hyer	4

ABSENT.

Broadhead	Johnston	Lay	Mortell	Ross
Farris	of Nodaway	Maxey	Pulitzer	of Morgan
	Lackland			9

ABSENT WITH LEAVE.

Dryden	Shackelford	Shanklin	Shields	Taylor
McAfee				of St. Louis 6

Mr. Boone offered the following amendment to the resolution:

Amend the resolution by striking out the word "fifty" and by substituting therefor the word "twenty-five" and by striking out the word "ten" and by substituting therefor the word "five."

which was read and rejected.

Mr. Gottschalk offered the following substitute for the resolution as amended:

Resolved, That in addition to the copies of the new Constitution to be printed as provided by law, an additional number of thirty-five thousand copies be printed in English, and that also ten thousand copies be printed in the German language, and that all copies thereof be accompanied with the address setting forth the modifications and changes made. But the additional number hereby ordered shall be paid for out of the contingent fund of this convention: *Provided*, That not more than one thousand dollars shall be paid out of the contingent fund of the Convention for that purpose, and that Messers. Switzler, Lay and Johnson of Cole be appointed a committee to superintend the printing and distribution of the same.

which was read.

Mr. Conway offered the following amendment to the substitute:

Amend by adding the words, "for which services they may receive the per diem allowed members of the Convention for such time as they S. 57] may be engaged in superintending said printing."

which was read and adopted.

The question recurring on the adoption of the substitute as amended, it was adopted.

The question recurring on the adoption of the resolution as amended by the substitute, it was adopted.

Mr. Cottey offered the following resolution:

Resolved, That the committee appointed to superintend the printing of the Constitution and address be and are hereby instructed:

First, To furnish five thousand copies to the Secretary of State, to be by him distributed to the county clerks of this State in number according to population of the several counties.

Second, To send the remainder of said copies as soon as printed to the members of this Convention (furnishing each member an equal number) to be distributed among their constituents.

Third, To ascertain the probable cost of sending such copies to the members and draw a warrant on the contingent fund to meet and defray such expense where incurred:

which was read.

Mr. Holliday offered the amendment to the resolution offered by Mr. Cottey:

Amend the resolution by striking out the words, "five thousand copies," in the first subdivision of the resolution. Also amend the resolution by striking out all of the second and third subdivisions of the resolution.

which was read and adopted.

The question being on the adoption of the resolution as amended, it was adopted.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee on Revision to which was referred the Schedule and the new section to be added thereto has instructed me to report that it has carefully considered, revised and corrected same, which is herewith reported.

A. R. Taylor, *Chairman*.

which was read.

The following article accompanying the report:

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue to be as valid as is this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its

adoption, except that all laws which are inconsistent with such pro-
S.58] visions of this Constitution, as require legislation to enforce them, shall remain in force until the first day of July, 1877, unless sooner amended or repealed by the General Assembly.

Section 2. That all recognizances, obligations and all other intruments, entered into or executed before the adoption of this Constitution, to this State or to any subdivision thereof, or any municipality therein; and all fines, taxes, penalties and forfeitures, due or owing to this State, or any such subdivision or municipality; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

Section 3. All county and probate courts as now constituted and organized shall continue with their jurisdiction, until the General Assembly shall by law conform them in their organization to the requirements of this Constitution.

Section 4. All criminal courts organized and existing under the laws of this State and not specially provided for in this Constitution, shall continue to exist until otherwise provided by law.

Section 5. All courts of common pleas existing and organized in cities and towns having a population exceeding three thousand five hundred inhabitants, and such as by the law of their creation are presided over by a judge of a circuit court, shall continue to exist and exercise their present jurisdiction until otherwise provided by law. All other courts of common pleas shall cease to exist at the expiration of the present terms of office of the several judges thereof.

Section 6. All persons now filling any office or appointment in this State shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless otherwise provided by law.

Section 7. Upon the adoption of this Constitution, all appeals to, and writs of error from the Supreme Court, shall be returnable to the Supreme Court at the City of Jefferson.

Section 8. This Constitution shall be submitted to the people of this State, for adoption or rejection, at an election to be held for that purpose only, on Saturday, the..... day of..... 187... Every person entitled to vote under the Constitution and laws of this State shall be entitled to vote for the adoption or rejection of this Constitution. Said election shall be held, and said qualified electors shall vote at the usual places of voting in the several counties of this State; and said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections.

Section 9. The clerks of the several county courts in this State shall, at least five days before said election, cause to be delivered to the judges of election in each election district or precinct, in their re-

spective counties, suitable blank poll-books, forms of return and five times the number of properly prepared printed ballots for said election, that there are voters in said respective districts, the expense whereof shall be allowed and paid by the several county courts as other county expenditures are allowed and paid.

S. 59] Section 10. At said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

(Erase the clause you do not favor.)

New Constitution; Yes.

New Constitution; No.

Each of said tickets shall be counted as a vote for or against this Constitution, as the one clause or the other may be cancelled with ink or pencil by the voter, and returns thereof shall be made accordingly. If both clauses of the ticket be erased, or if neither be erased, the ticket shall not be counted.

Section 11. The returns of the whole vote cast for the adoption and against the adoption of this Constitution shall be made by the several clerks, as now provided by law in case of the election of State officers, to the Secretary of State, within twenty days after the election; and the returns of said votes shall, within ten days thereafter, be examined and canvassed by the State Auditor, State Treasurer and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass.

Section 12. If, upon such canvass, it shall appear that a majority of the votes polled were in favor of the new Constitution, then this Constitution shall, on and after the.....day of.....187.., be the supreme law of the State of Missouri, and the present existing Constitution shall thereupon cease in all its provisions; but if it shall appear that a majority of the votes polled were against the new Constitution, then this Constitution shall be null and void, and the existing Constitution shall continue in force.

Section 13. The provisions of this schedule required to be executed prior to the adoption or rejection of this Constitution shall take effect and be in force immediately.

Section 14. The General Assembly shall pass all such laws as may be necessary to carry this Constitution into full effect.

Section 15. The present Secretary of State, State Auditor, Attorney-General, and Superintendent of Public Schools shall, during the remainder of their terms of office, unless otherwise directed by law, receive the same compensation and fees as is now provided by law; and the present State Treasurer shall, during the remainder of the term of his office, continue to be governed by existing law, in the custody and disposition of the State funds, unless otherwise directed by law.

Done in Convention, at the Capitol, in the City of Jefferson, on the

.....day of July, in the year of our Lord, one thousand eight hundred and seventy-five, and of the Independence of the United States the ninty-ninth.

The schedule was taken up and read the first time.

On motion of Mr. Spaunhorst the rule was suspended and the schedule considered read the second time.

Mr. Switzler offered the following amendment to the Schedule:

Insert "thirtieth" in blank of second line and "October" in blank of third line and "5" after "187—" in same line.

which was read and adopted.

Mr. Switzler offered the following amendment to Section thirteen of the Schedule:

Insert "thirtieth" in blank of second line and "November" in blank of third line and "5" after "187—" in same line.

which was read and adopted.

S.60] The question being on the adoption of the Schedule, it was adopted by the following vote:

AYES.

Adams	Edwards	Johnson	Nickerson	Rucker
Alexander	of St. Louis	of Cole	Norton	Shanklin
Allen	Eitzen	Lackland	Pipkin	Switzler
Black	Fyan	Lay	Priest	Taylor
Boone	Gantt	Letcher	Ray	of Jasper
Bradfield	Gottschalk	Mabrey	Rider	Taylor
Brockmeyer	Hale	Massey	Rippey	of St. Louis
Carleton	Halliburton	Maxey	Roberts	Todd
Chrisman	Hammond	McCabe	Ross	Wagner
Conway	Hardin	McKee	of Morgan	Wallace
Crews	Holliday	McKillop	Ross	Watkins
Crockett	Hyer	Mudd	of Polk	Mr. President
Davis				55

NOES.

Cottey	Dysart	2

ABSENT.

Broadhead	Farris	Mortell	Pulitzer	Spaunhorst
Edwards	Johnston			7
of Iron	of Nodaway			

ABSENT WITH LEAVE.

Dryden	McAfee	Shackelford	Shields	4

On motion of Mr. Spaunhorst the Schedule was ordered enrolled as a part of the Constitution.

Mr. Conway offered the following resolution:

Resolved, That the committee appointed to superintend the printing of the Constitution be allowed in addition to the per diem the usual mileage now allowed by law.

which was read.

On motion of Mr. Gottschalk the Convention adjourned until 7:30 o'clock p. m.

NIGHT SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Taylor of St. Louis from the Committee on Revision submitted the following report:

Mr. President: Your Committee, to which was referred the articles on Boundaries and Political Subdivisions, Executive and Ministerial Officers of Counties, Cities, and Municipal Corporations and various sections added thereto, has instructed me to report it has carefully considered, revised and corrected same, and said sections are herewith reported properly engrossed and printed as Article IX.

A. R. Taylor, *Chairman.*

which was read.

The following article accompanying the report:

ARTICLE IX.

COUNTIES, CITIES AND TOWNS.

Section 1. The several counties of this State, as they now exist, are hereby recognized as legal subdivisions of the State.

S. 61] Section 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law; and no county seat shall be removed unless two-thirds of the qualified voters of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in five years. All additions to a town, which is a county seat, shall be included, considered and regarded as part of the county seat.

Section 3. The General Assembly shall have no power to establish any new county with a territory of less than four hundred and ten square miles; nor to reduce any county, now established, to a less area

or less population than required for a ratio of representation existing at the time; but when a new county is formed, having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. No county shall be divided or have any portion stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

Section 4. No part of the territory of any county shall be stricken off and added to an adjoining county without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question shall vote therefor. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken.

Section 5. When any new county, formed from contiguous territory taken from older counties, or when any county to which territory shall be added taken from an adjoining county, shall fail to pay the proportion of indebtedness of such territory to the county or counties from which it is taken, then it may be lawful for any county from which such territory has been taken, to levy and collect, by taxation, the due proportion of indebtedness of such territory in the same manner as if the territory had not been stricken off.

Section 6. No county, township, city or other municipality shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation, or loan its credit to, or in aid of any such corporation or association, or to or in aid of any college or institution of learning, or other institution, whether created for or to be controlled by the State or others. All authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: *Provided*, however, that nothing in this Constitution contained shall affect the right of any such municipality to make such subscription, where the same has been authorized under existing laws by a vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds or the use of such other means as are or may be prescribed by law, for the liquidation or payment of such subscription, or of any existing indebtedness.

S. 62] Section 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defiined by general laws, so that all such municipal cor-

porations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

Section 8. The General Assembly may provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization, may be dispensed with, and the business of said county, and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: *Provided*, That the justices of the county court, in such case, shall not exceed three in number.

Section 9. In any county which shall have adopted, "township organization," the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county.

Section 10. There shall be elected by the qualified voters in each county at the time and places of electing representatives, a sheriff and coroner. They shall serve for two years, and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be eligible only four years in any period of six. Before entering on the duties of their office, they shall give security in the amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until their successors shall be duly elected and qualified.

Section 11. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

Section 12. The General Assembly shall, by a law uniform in its operation, provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

S. 63] Section 13. The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail, and verifying the same by his affidavit; and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of willful and corrupt perjury.

Section 14. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties shall be prescribed by law; but no term of office shall exceed four years.

Section 15. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

Section 16. Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election; which board shall within ninety days after such election return to the chief magistrate of such city a draft of such charter, signed by the members of such board or a majority of them. Within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city at a general or special election, and if four-sevenths of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city and supersede any existing charter and amendments thereof. A duplicate certificate shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter so adopted may be amended by a proposal therefor, made by the lawmaking authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of such city, voting at a general or special election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State.

Section 17. It shall be a feature of all such charters that they shall provide among other things, for a mayor or chief magistrate, and two houses of legislation, one of which at least shall be elected by general ticket; and in submitting any such charter or amendment thereto to the qualified voters of such city, any alternative section or article may be presented for the choice of the voters, and may be voted on separately and accepted or rejected separately without prejudice to other articles or sections of the charter or any amendment thereto.

S. 64] Section 18. In cities or counties having more than two hundred thousand inhabitants, no person shall at the same time be a State officer and an officer of any county, city or other municipality; and no person shall at the same time fill two municipal offices either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia.

Section 19. The corporate authorities of any county, city, or other municipal subdivision of this State having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in Section twelve of Article X, of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year towards the general governmental expenses thereof, a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year.

Section 20. The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged upon the following conditions, that is to say: The council of the city and county court of the county of St. Louis, shall in joint session, order an election to be held as provided for general elections, by the qualified voters of the city and county, of a board of thirteen freeholders of such city or county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged, and the residue of St. Louis county and the government of the city thus enlarged, by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall among other things, provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket, which scheme and charter shall be signed in duplicate by said board or a majority of them, and one of them returned to the mayor of the city and the other to the presiding justice of the county court within ninety days after the election of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order therefor; and if a majority of such quaified voters voting at such election shall ratify such

scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis and all amendments thereof and all special laws relating to St. Louis county inconsistent with such scheme.

Section 21. A copy of such scheme and charter, with a certificate thereto appended, signed by the mayor and authenticated by the seal of the city, and, also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of such scheme and charter, to the qualified voters of such county and city and its ratification by them, shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of St. Louis county, shall be deposited among the archives of the city, and thereafter all courts shall take judicial notice thereof.

S. 65] Section 22. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by the lawmaking authorities of the city to the qualified voters thereof at a general or special election held at least sixty days after the publication of such proposals, and accepted by at least three-fifths of the qualified voters voting thereat.

Section 23. Such charter and amendments shall always be in harmony with and subject to, the Constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation for city purposes in the portions of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between city and county, the city shall take upon itself the entire park tax; and in consideration of the city becoming the proprietor of all the county buildings and property within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The judges of the county court shall be elected by the qualified voters outside of the city. The city, as enlarged, shall be entitled to the same representation in the General Assembly, collect the State revenue and perform all other functions in relation to the State, in the same manner, as if it were a county as in this Constitution defined; and the residue of the county shall remain a legal county of the State of Missouri, under the name of the county of St. Louis. And until the next apportionment for Senators and Representatives in the General Assembly, the city shall have six Senators and fifteen Representatives, and the county one Senator and two Representatives, the same being the number of Senators and Representatives to which the county of St. Louis, as now organized, is entitled under Sections eight and eleven of Article IV of this Constituion.

Section 24. The county and city of St. Louis, as now existing, shall continue to constitute the Eighth judicial circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

Section 25. Notwithstanding the provisions of this article, the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State.

On motion of Mr. Taylor of St. Louis Article IX was taken up and read the first time.

On motion of Mr. Gottschalk the rule was suspended and Article IX considered read the second time.

Mr. Spaunhorst in the chair.

By unanimous consent, Mr. Todd offered the following amendment to Section nineteen of Article IX:

Amend by adding to the section these words: "but until such excess of indetedness cease no further bonded debt shall be incurred except for the renewal of other bonds."

which was read and adopted.

Mr. Dysart in pursuance to notice moved to reconsider the vote by which Section three of Article IX was adopted.

Mr. Alexander rose to a point of order and stated that the motion to reconsider was not in order as the Convention had rejected on the second of July, the motion to reconsider S.66] the vote by which the same was adopted. The Chair decided the point of order well taken.

Mr. Dysart appealed from the decision of the Chair.

Mr. Maxey moved the previous question. The ayes and noes being demanded by five members. The previous question was ordered by the following vote:

AYES.

Adams	Edwards of Iron	Lay	Rider	Taylor of Jasper
Alexander	Edwards of St. Louis	Letcher	Roberts	Taylor of St. Louis
Allen	Eitzen	Massey	Ross of Morgan	Todd
Black	Gottschalk	Maxey	Ross of Polk	Wagner
Bradfield	Hardin	McKillop	Rucker	Wallace
Carleton	Holliday	Nickerson	Shanklin	Watkins
Chrisman	Hyer	Norton	Spaunhorst	Mr. President
Cottey	Johnson of Cole	Pipkin	Switzler	43
Crews		Priest		
Crockett		Ray		

NOES.

Boone	Dysart	Halliburton	Mabrey	Mudd	
Brockmeyer	Fyan	Hammond	McCabe	Rippey	
Conway	Gantt	Lackland	McKee	Shields	
Davis	Hale				17

ABSENT.

Broadhead	Farris	Johnston of Nodaway	Mortell	Pulitzer	5

ABSENT WITH LEAVE.

Dryden	McAfee	Shackelford	3

The question recurring, "Shall the decision of the Chair stand as the judgment of the Convention?" and the ayes and noes being demanded by five members, the decision of the Chair was sustained by the following vote:

AYES.

Adams	Crockett	Johnson of Cole	Pipkin	Taylor of Jasper	
Alexander	Eitzen	Lay	Priest	Todd	
Allen	Fyan	Letcher	Ray	Wagner	
Black	Gantt	Massey	Roberts	Wallace	
Boone	Gottschalk	McKillop	Ross of Morgan	Watkins	
Bradfield	Hale	Mudd	Ross of Polk	Mr. President	
Brockmeyer	Hardin	Nickerson	Switzler		
Carleton	Holliday	Norton			
Chrisman	Hyer				39

NOES.

Conway	Edwards of Iron	Hammond	McKee	Shields	
Cottey	Edwards of St. Louis	Lackland	Rider	Taylor of St. Louis	
Crews	Halliburton	Mabrey	Rippey		
Davis		Maxey	Rucker		
Dysart		McCabe	Shanklin		20

ABSENT.

Broadhead	Farris	Johnston of Nodaway	Mortell	Pulitzer	5

ABSENT WITH LEAVE.

Dryden	McAfee	Shackelford	3

EXCUSED.

Spaunhorst	1

Mr. McCabe offered the following resolution:

Resolved, That Section three of Article IX be recommitted to the Committee on Revision with instructions to amend the section as follows: Amend Section three by striking out all after "people" in the eighth line down to and including the word "question" and insert in lieu thereof the following: "Nor unless a majority of three-fourths of all the qualified voters resident of the territory proposed to be detached, voting on the question at an election held for that purpose;" and report the same back to the convention as soon as possible.

S.67] which was read.

The Chair decided the resolution out of order, stating that the resolution could not be entertained without a suspension of the rules or by unanimous consent.

Mr. Shields appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Convention?" and the ayes and noes being demanded by five members, the decision of the Chair was sustained by the following vote:

AYES.

Adams	Crews	Hyer	Norton	Switzler
Alexander	Crockett	Johnson	Pipkin	Taylor
Allen	Edwards	of Cole	Priest	of Jasper
Black	of Iron	Lay	Ray	Todd
Boone	Eitzen	Letcher	Ross	Wagner
Bradfield	Fyan	Massey	of Morgan	Wallace
Brockmeyer	Gantt	McKillop	Ross	Watkins
Carleton	Gottschalk	Mudd	of Polk	Mr. President
Chrisman	Hardin	Nickerson	Shanklin	41
Cottey	Holliday			

NOES.

Conway	Halliburton	Maxey	Rider	Shields
Edwards	Hammond	McCabe	Rippey	Taylor
of St. Louis	Lackland	McKee	Rucker	of St. Louis
Hale	Mabrey			15

ABSENT.

Broadhead	Dysart	Johnston	Mortell	Roberts
Davis	Farris	of Nodaway	Pulitzer	8

ABSENT WITH LEAVE.

Dryden	McAfee	Shackelford	3

EXCUSED.

Spaunhorst	1

Mr. Rucker moved to suspend the rule in order to move to reconsider the vote by which Section three was adopted.

The ayes and noes being demanded by five members, the Convention refused to suspend the rule by the following vote:

AYES.

Allen	Gottschalk	Lackland	Rippey	Taylor
Boone	Hale	Mabrey	Rucker	of St. Louis
Brockmeyer	Halliburton	Maxey	Shanklin	Todd
Conway	Hammond	McCabe	Shields	Wagner
Crews	Hardin	McKee	Spaunhorst	Watkins
Dysart	Hyer	Mudd	Taylor	Mr. President
Fyan	Johnson	Rider	of Jasper	34
Gantt	of Cole			

NOES.

Adams	Chrisman	Letcher	Pipkin	Ross
Alexander	Crockett	Massey	Priest	of Morgan
Black	Davis	McKillop	Ray	Ross
Bradfield	Eitzen	Nickerson	Roberts	of Polk
Carleton	Lay	Norton		Wallace 22

ABSENT.

Broadhead	Edwards	Holliday	Mortell	Switzler
Edwards	of St. Louis	Johnston	Pulitzer	9
of Iron	Farris	of Nodaway		

ABSENT WITH LEAVE.

Dryden	McAfee	Shackelford	3

Mr. McCabe moved to reconsider the vote by which Article IX was ordered to its second reading, which was rejected.

The question recurring on the adoption of Article IX, it was adopted by the following vote:

AYES.

S.68] Adams	Chrisman	Edwards	Fyan	Hyer
Alexander	Cottey	of Iron	Gantt	Johnson
Allen	Crews	Edwards	Gottschalk	of Cole
Black	Crockett	of St. Louis	Halliburton	Lackland
Bradfield	Davis	Eitzen	Hardin	Lay
Brockmeyer				

Letcher	Norton	Roberts	Switzler	Todd	
Massey	Pipkin	Ross	Taylor	Wagner	
McKillop	Priest	of Polk	of Jasper	Wallace	
Mudd	Ray	Shanklin	Taylor	Watkins	
Nickerson	Rider	Spaunhorst	of St. Louis	Mr. President	
					45

NOES.

Boone	Hale	Mabrey	McKee	Rucker	
Conway	Hammond	Maxey	Rippey	Shields	
Dysart	Holliday	McCabe	Ross		
			of Morgan		14

ABSENT.

Broadhead	Farris	Johnston	Mortell	Pulitzer	
Carleton		of Nodaway			6

ABSENT WITH LEAVE.

Dysart	McAfee	Shackelford	3

On motion of Mr. Taylor of St. Louis Article IX was ordered enrolled as a part of the Constitution.

Mr. Rippey offered the following as a new section to Article XIV on Miscellaneous Provisions:

Section—After the first day of January in the year 1877 the judges of the Supreme Court of the State of Missouri shall reside at the City of Jefferson, and any judge failing to comply with this condition shall be deemed to have resigned his office.

which was read.

Mr. Massey moved to lay the section on the table. The ayes and noes being demanded by five members, the motion to lay the section on the table was rejected by the following vote:

AYES.

Adams	Edwards	Hardin	Pipkin	Spaunhorst	
Boone	of Iron	Lackland	Rider	Taylor	
Davis	Gottschalk	Massey	Roberts	of Jasper	
Dysart	Hale	McCabe	Shanklin	Wallace	
	Hammond	Norton			20

NOES.

Allen	Brockmeyer	Cottey	Edwards	Fyan
Black	Chrisman	Crews	of St. Louis	Gantt
Bradfield	Conway	Crockett	Eitzen	Holliday

Hyer	Mabrey	Priest	Ross	Taylor	
Johnson	McKee	Ray	of Polk	of St. Louis	
of Cole	McKillop	Rippey	Rucker	Todd	
Lay	Mudd	Ross	Switzler	Wagner	
Letcher	Nickerson	of Morgan		Watkins	34

ABSENT.

Alexander	Farris	Johnston	Maxey	Pulitzer	
Broadhead	Halliburton	of Nodaway	Mortell		9
Carleton					

ABSENT WITH LEAVE.

Dryden	Shackelford	Shields	Mr. President	5
McAfee				

Mr. Switzler moved that the rule be suspended and the section read a second time, which was not agreed to.

On motion of Mr. Fyan the Convention adjourned until Monday 8 o'clock a. m.

S.69] MONDAY, AUGUST 2, 1875.

MORNING SESSION.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Wagner moved the reading of the journal be passed over for the present.

Mr. Rippey called up new section offered by him to the Article on Miscellaneous Provisions pending at adjournment.

Mr. Gottschalk moved to lay the section on the table. The ayes and noes being demanded by five members, the motion to lay on the table was rejected by the following vote:

AYES.

Adams	Brockmeyer	Hardin	McCabe	Spaunhorst	
Alexander	Davis	Hyer	McKillop	Wagner	
Allen	Dysart	Massey	Priest	Wallace	
Broadhead	Gottschalk	Maxey	Shanklin		19

NOES.

Bradfield	Eitzen	Letcher	Ross	Taylor
Conway	Fyan	Mabrey	of Polk	of St. Louis
Cottey	Gantt	McKee	Rucker	Todd
Crews	Halliburton	Ray	Switzler	Watkins
Crockett	Lackland	Rippey	Taylor	Mr. President
Edwards	Lay		of Jasper	25
of St. Louis				

ABSENT.

Black	Edwards	Holliday	Mudd	Pulitzer
Boone	of Iron	Johnson	Nickerson	Roberts
Carleton	Farris	of Cole	Norton	Shields
Chrisman	Hammond	Mortell	Pipkin	17

ABSENT WITH LEAVE.

Dryden	Johnston	McAfee	Ross	Shackelford
Hale	of Nodaway	Rider	of Morgan	7

Under suspension of the rules, Mr. Adams offered the following amendment to Section eighteen of Article X.

Amend Section eighteen, Article X, by striking out all after the word "State" and insert, "and it shall perform such other duties as are or may be prescribed by law."

which was read first, second and third times and by unanimous consent, adopted.

S.71] *Mr. Lackland offered the following substitute for the new section:

After the first day of January, 1877, the judges of the Supreme Court shall reside at the seat of Government during their terms of office.

which was read and accepted.

Mr. Gantt moved the previous question, which was ordered.

The question being on the suspension of the rule, and the ayes and noes being demanded by five members, the motion to suspend the rule was rejected by the following vote:

AYES.

Alexander	Carleton	Crews	Edwards	Eitzen
Boone	Conway	Crockett	of St. Louis	Fyan
Bradfield	Cottey			

*P. 70 in the Supplement is blank.

Gantt	Lay	Rippey	Switzler	Todd
Halliburton	Letcher	Ross	Taylor	Watkins
Johnson	Maxey	of Polk	of Jasper	Mr. President
of Cole	McKee	Rucker	Taylor	30
Lackland	Ray	Shanklin	of St. Louis	

NOES.

Adams	Dysart	Hyer	McKillop	Priest
Allen	Gottschalk	Mabrey	Mudd	Roberts
Broadhead	Hale	Massey	Norton	Wagner
Brockmeyer	Hardin	McCabe	Pipkin	Wallace
Davis				21

ABSENT.

Black	Edwards	Holliday	Nickerson	Shields
Chrisman	of Iron	Johnston	Pulitzer	Spaunhorst
Dryden	Farris	of Nodaway	Rider	15
	Hammond	Mortell	Shackelford	

ABSENT WITH LEAVE.

McAfee	Ross	2
	of Morgan	

Under suspension of the rule, Mr. Spaunhorst offered the following amendment to the attestation:

Amend closing sentence by striking out in last line the word "ninety-ninth" and insert, "one hundreth and of the State of Missouri the fifty-fourth."

which was read and, by unanimous consent, adopted.

Mr. Broadhead offered the following as new section to be added to the Article on Schedule:

Section twelve of the Bill of Rights shall not be so construed as to prevent arrests and preliminary examination in any criminal cases.

which was read and, by unanimous consent, adopted.

Mr. Hammond offered the following resolution:

Resolved, That the State Auditor be and he is hereby directed to draw his warrants on the balance of the fund appropriated for per diem of members in favor of the clerks and officers of the Convention, who are entitled to pay from said fund pro rata.

which was read and adopted.

Mr. Taylor of St. Louis offered the following resolution:

Resolved, That A. M. Lay and H. B. Johnson be authorized to examine and audit the transcribed notes of the proceedings of this Convention to be made by Walbridge, Holland and Brown, and also the claim for compensation of the Committee to Superintend the Printing of the Constitution, and to give certificates of indebtedness therefor, upon which the Auditor of the State is instructed to draw warrants upon the contingent fund of this Convention.

which was read and adopted.

Mr. Wallace offered the following resolution:

S.72] Resolved, That the thanks of this Convention are hereby tendered to the Rev. T. W. Barrett, Rev. W. G. Keady, Rev. C. C. Wood, Rev. A. H. Parker and other ministers of the Gospel who, in compliance with the invitation of the Convention, have from time to time, during its session opened its daily meeting with prayer and an invocation of the blessings of the Almighty Ruler of the universe on our labors.

which was read and adopted.

Mr. Gantt from the committee appointed to examine in regard to the 1918 missing bonds, submitted the following report:

Jefferson City, July 31, 1875.

To the President of the Constitutional Convention of the State of Missouri, Mr. President:

Your committee appointed on the 19th inst. to consider, "whether it is incumbent on the Convention to take any action, and if any, what action, respecting 1918 bonds of one thousand dollars each which are said to have disappeared from the treasury of the State of Missouri," begs leave to report:

That not having power to send for persons or papers, having no authority either to administer an oath or to compel an answer to a question, they did not attempt to bring before them the several persons who have been Treasurers of the State since the year when these bonds were for the last time inspected and officially reported as being in the treasury vaults, or the members of the different committees who have during that interval occupied a position enabling them to speak with more or less precision respecting the missing bonds. Such information as your Committee has gained is derived from the report made by Messrs. Ryland, Dallmyer and Winters, the report made by Messrs. McWorkman and Moore in 1873; the information given in, voluntarily, by Mr. Dallmeyer, Mr. Hays and Mr. Stevenson; the examination of certain bond registers in the offices of the Auditor and Treasurer, the information and assistance S.73] we received from the present Treasurer, Mr. Mercer, and his very intelligent and obliging chief clerk, Mr. E. T. Noland, of whom it asks to speak with particular thanks for his cheerful and very efficient aid;

and the report of the committee appointed last winter by the Senate of Missouri to investigate this matter.

From these sources it appears to be clear that under a concurrent resolution adopted on the thirteenth of March, 1867, Messrs. Ryland, Dallmeyer and Winters were appointed to examine and destroy certain vouchers, warrants, bonds, wolfscalp certificates, etc. This resolution is found at pp. 193-4 of the session acts of the first session of the Twenty-fourth General Assembly. The bonds which are the subject of this report were issued by the Pacific Railroad under authority of an act of the General Assembly of Missouri passed over the veto of Governor Price on the tenth of December, 1855, and guaranteed in the amplest manner by the State of Missouri. They are for the principal sum of one thousand dollars each all payable twenty years after first of January, 1855, and have coupons attached for semi-annual interest at seven per cent per annum. The negotiation of these bonds thus guaranteed appears to have been attended with some difficulty and it would seem that of the whole number authorized by the act (which was ten thousand) only thirty-eight hundred were issued, and guaranted by the State and of these eighteen hundred eighty nine were under authority of the General Assembly exchanged for bonds of the State, bearing six per cent interest. These last are called "Direct State Sixes" on the bond register, to distinguish them from the guaranteed bonds for which they were exchanged. Subsequently three hundred and eleven more of these bonds were received from Mr. Eads in 1866 in payment for the stock of the Bank of the State of Missouri held by the State and purchased by Mr. Eads; and in the year 1868 Mr. Allen paid in eleven more of them in settlement of his purchase of the St. Louis and Iron Mountain Railroad. The bonds paid in by Mr. Allen were not in the treasury when Messrs. Ryland, Dallmeyer and Winters made their report and are, of course, not mentioned in it.

S.74] By reference to the sixth section of the concurrent resolution of thirteenth of March, 1867, already cited, it will be seen that the committee appointed under it was expressly directed to destroy these guaranteed bonds after making a certificate showing the number, and dated them in duplicate. The committee in making its report (which is to be found in the appendix to the House and Senate Journal, of the adjourned session of the Twenty-fourthGeneral Assembly, pages 53 and following, and not in the appendix to the journal of the regular session of the Twenty-fifth General Assembly as is stated in the report of Messrs. Phelan, Williams and Terry of twenty-first of March, 1875) says: "The resolution under which the committee was appointed contemplated the destruction of the above bonds as well as the seven per cent guarantee bonds in the treasury but the committee, upon mature deliberation considered it best not to destroy them, these bonds being a lien on the main trunk line of the Pacific Railroad as well as the southwest branch thereof. The Treasurer of the State is made the trustee: *the bonds are safe in the treasury and can be made available at any time the Legislature desires it.* We sealed the bonds up in packages and indorsed thereon the number of bonds and coupons in each contained."

The italics are our own. We emphasize the passage in order to call attention to the opinion they expressed. Of this committee, only Mr. Dallmeyer survives. He was Treasurer of the State from January, 1869, to January, 1871. We conversed with him and he made a full statement of his knowledge of the matters referred to in this report, and of the subsequent history of these bonds. The report of Messrs. Ryland, Dallmeyer and Winter is not dated but Mr. Dallmeyer informs me that it was made in January, 1868, having been prepared in 1867.

It would appear that the Twenty-fourth General Assembly was satisfied with the reason for which their committee excused itself from literal compliance with the term of the resolution of thirteenth of March, 1867, for no action was had on this report indicating a disapproval of the omission of the committee to destroy these bonds.

Mr. Dallmeyer informed your Committee that he personally put up the bonds described in the report in separate packages, wrapped and tied them securely, sealed them and made the endorsement upon the envelopes in his own hand writing. He could not state the number of the S.75] packages. He remembered that the three hundred eleven bonds received from Mr. Eads were put up in one package; and seven hundred bonds of a different description received from the Pacific Railroad (p. 64 of the appendix quoted) were, he thinks, put up in one large bundle by themselves; but the number and size of the other packages he was unable to state. Of one most important matter however he was positive, viz: *that these packages were all in the treasury, with unbroken seals and undisturbed envelopes, when he vacated office in January, 1871.* He was of course familiar with every circumstance of these packages and his assurance that they remained in their integrity in the vaults of the treasury when he left it in January, 1871, is very satisfactory.

Mr. Dallmeyer was succeeded by Mr. Hays who was Treasurer from January, 1871 to January, 1873. Your committee wrote to Mr. Hays on the twenty-second of July. He was then absent in New York. On his return to St. Louis he came up to Jefferson City and saw the chairman of your Committee. He stated that these packages were when he left office in January, 1873, unbroken and undisturbed in the vaults of the treasury precisely as they were when he entered upon the duties of Treasurer, in 1871. He stated that he was in a hurry; that his business required him to be elsewhere; that all that he knew was what he stated to the chairman and that he would address a note to the Committee stating this. It is a subject of regret to your Committee that Mr. Hays left this city without fulfilling this promise; but everything points to the conclusion, independently of the weight due to his assurance that his statement that the packages put up by Messrs, Rylan, Dallmeyer and Winter in 1868 remained safe and entire in January, 1873, is correct, and beyond this, Mr. Hays knows nothing.

Mr. Stevenson, a clerk in the office of the Superintendent of Public Schools, informed us that he came to Jefferson City in January, 1873, to take charge of the books of the Treasurer's office for Mr. Salmon, the Treasurer, and there remained until the following June, when he became S.76] chief clerk and remained to the close of Mr. Salmon's term. That

there were then in the vaults two boxes of papers which Mr. Hays, the retiring Treasurer and Mr. Wilde, his clerk, said were placed there by the legislative committee to be burned. Mr. Salmon retained Mr. Wilde in the office for sometime. On the twenty-fourth of March, 1873, the date of the adjournment of the first session of the Twenty-seventh General Assembly, Senator Moore and Dr. McWorkman of the committee, with some of the employees of the bank, came into the Treasurer's office, took the two boxes of papers, carried them to the foot of the terrace, broke them open and made a bonfire of the contents. It was a stormy day, a strong wind was blowing from the river side. Some one came into the Treasurer's office and said the wind was blowing the papers away from the fire, and Mr. Salmon requested him (Stevenson) to go down and see that the papers were all destroyed. He found Senator Moore there alone. Stevenson gathered up the stray papers, cast them on the fire again and stirred them with a stick until the last vestiges of the papers were in ashes. Senator Moore was in a hurry to catch the train, and when Stevenson came to look after the destruction he went up into town and Stevenson did not see him again. While the fire was burning Stevenson picked two of the papers out of the pile and opened them to throw them on the fire and make them burn faster, and perceived that they were Pacific Railroad Construction Bonds or what are known as seven per cent guaranteed bonds. There were also other bonds in a bluish paper which from similarity in color to the Iron Mountain Railroad State Bonds he supposed to belong to that series. Judging from the size of the pile he would think there were as many bonds as he could hold in his extended arms. There were also some redemption-of-law tickets and other vouchers burned with the bonds. The whole were entirely consumed and in ashes before Stevenson returned to his office. These bonds were not receipted by the Treasurer. It was simply as an act of precaution that Maj. Salmon sent him to look after them. He was content in the proposition that the committee knew what it was authorized to do.

S.77] This is the most detailed account we have of this burning. Mr. Dallmeyer informed me that the month of March, 1873, when the committee was settling with Hays and Salmon, the outgoing and incoming Treasurers, one of the clerks, Pelter or Thompson, he could not remember which it was, told him that, "the committee were burning the bonds." He paid no attention to the matter. Both Mr. Moore and Mr. Wilde have published statements in the newspapers since the appointment of your Committee, speaking of the burning of a quantity of papers taken from the Treasurer's office and burned. The accounts they give differing somewhat from each other and both slightly discrepant from the statement of Mr. Stevenson. But the most important matter in this connection appears to your Commitete to be that Messrs. Moore, McWorkman and Headlee were appointed a committee to destroy papers and vouchers of a designated character in the Treasurer's office; that these bonds are not included in the description of the papers to be destroyed; that they made a report signed by both Moore and McWorkman (it is not signed by Mr. Headlee and your Commitee understood that he refused

to sign it,) stating particularly what papers they destroyed; that these papers were quite unimportant yet are particularly described; and that no report is to be found. So far as your Committee could learn, made by Messrs. Moore and McWorkman giving any information of the destruction of any of these papers besides those described in their report dated January 1, 1873, in which no notice or hint of these bonds appears; when in addition we note the fact that the committee charged to destroy them in 1867 declined to do so and reported to the General Assembly that they should be preserved as papers of value—a course of which the General Assembly appears to have approved, that these bonds were preserved in the treasury for more than five years, and that their destruction after 1867 was never authorized by law; it seems to your Committee a forced and unnatural presumption that they could have been treated as S.78] rubbish, destroyed by a committee having no authority to destroy them, and have been considered undeserving of any report at all. This would be still more inconceivable when compared with the fact that the same committeemen who are supposed to have burned without making an inventory or certificate, and without having any authority or justification for their act, securities which represented guarantees by the State of Missouri, including interest of considerable more than three millions of dollars, did nearly at the same time, make a report, remarkable for its details of the destruction of vouchers and certificates of very inconsiderable comparative importance. We are told indeed, if we may treat as authentic a card which later appeared in the newspapers over the name of Senator Moore, that the reason for not making a report respecting these bonds was that to have done it would have involved the expense of clerk hire for several days. Your Committee inclines to suppose that some error has crept into the press or the manuscript of this card, or perhaps it was not written by Senator Moore at all. It seems frivolous to suggest that the apprehension of an expense to the State of twenty or thirty dollars at most prevented the performance of a duty repecting a matter involving millions of money.

Your Committee forbears to dwell upon the reason for which it believes that those who suppose these bonds to have been, "destroyed by a committee of the Legislature," are mistaken. In its opinion this theory is beset, at every step, by difficulty and contradiction. Among the difficulties may be mentioned that of understanding how it came to pass that a committee supposing itself charged with the duty of burning these guaranteed bonds could have supposed this obligation fulfilled by destroying only *one hundred* of the *three hundred and eleven* which were received from Mr. Eads, and put up securely in one package, sealed and labelled by Messrs. Ryland, Dallmeyer and Winters. Two hundred and eleven of these particular bonds, identifiable now, as in 1868, as having been received from Mr. Eads, are still in the vaults of the treasury. Surely it is not easy to understand how such a discrimination could have been made; and we are forced to the conclusion that Messrs. Moore and S.79] Wilde are mistaken in supposing that any such destruction took place as they speak of. Your Committee has already stated that it was not armed with the power to investigate this matter, and if it had the

power, it certainly had not the time. Not being able to take evidence, it begs to be understood as making no charges. It is hoped that an investigation will yet be made into this matter, and then it will be an interesting inquiry why it has been so long delayed. But your Committee is wholly unable to concur with the Senate committee which in March last reported (p. 5 of their report) that, "they believe that missing bonds were destroyed by a committee of the Legislature although no evidence of this was found." Reaching an entirely opposite conclusion your Committee, without further detaining the Convention with an enumeration of the reasons which impels it to it, contents itself with reporting the accompanying ordinance and asking for its passage as the proper action to be taken by this Convention in respect of the missing securities.

In conclusion, your Committee recommends that if this ordinance be passed, the revision and correction of the press describing the numbers of the bonds be entrusted to Mr. E. T. Nolan, chief clerk of the Treasurer. Your Committee owes much to the intelligence, industry and cheerful aid of this gentleman, and no one can be found more competent than he is, to correct the proof of the proposed ordinance.

Respectfully submitted,
Thomas T. Gantt, *Chairman of Committee.*

which was read.

The following ordinance recommended by the special committee was taken up.

S.81]* An ordinance to prevent the payment of 1918 bonds and their coupons which have been already redeemed by the State of Missouri.

Be it ordained by the People of Missouri in Convention Assembled:

That the General Assembly of the State of Missouri shall have no power to make any appropriation of money or in any manner directly or indirectly to provide for the payment of any one of nineteen hundred and eighteen (1918) bonds or the coupons attached thereto, each for the sum of one thousand dollars and seven per cent interest payable semiannually: the principal payable twenty years after the first of January, 1856, executed by the Pacific Railroad of the State of Missouri under authority of an act of the General Assembly of Missouri passed the tenth of December, 1855, and guaranteed by the State of Missouri, the numbers of which bonds are as follows: Bonds numbered from 1 to 370 inclusive of both; 375 to 395 inclusive of both; 397 to 474 inclusive of both; 493, 535, 536, 542, 543, 547, 554, 557, 558, 559, 585 to 589 inclusive of both; 592 to 596 inclusive of both; 601 to 622 inclusive of both; 624 to 701 inclusive of both; 709, 177 to 722 inclusive of both; 724, 725, 726, 732, 733, 734, 835, 836, 837, 841, 842, 843, 844, 845, 849, 850, 851, 868, 869; 882 to 889 inclusive of both; 891 to 898 inclusive of both; 902, 904; 971 to 1001 inclusive of both; 1028; 1041 to 1050 inclusive of both; 1080, 1084, 1085, 1086, 1109, 1110, 1146, 1150, 1153, 1181; 1183, 1186 to 1212 inclusive of both; 1228;

*Page 80 of the Supplement is blank.

1281 to 1293 inclusive of both; 1300, 1343, 1412; 1418 to 1436 inclusive of both; 1484; 1501 to 1512 inclusive of both; 1583, 1584; 1597 to 1601 inclusive of both; 1659 to 1662 inclusive of both; 1664, 1720, 1829, 1836; 1851 to 1861 inclusive of both; 1864 to 1869 inclusive of both; 1876 to 1886 inclusive of both; 1892 to 1897 inclusive of both; 1926 to 1943 inclusive of both; 1946 to 1951 inclusive of both; 1954, 1956, 1957, 1959, 1960, 1971, 1972, 1973; 1976 to 1990 inclusive of both; 1992 to 1998 inclusive of both; 2000, 2011, 2012, 2013, 2018, 2029, 2030; 2044 to 2046 inclusive of both; 2074 to 2077 inclusive of both; 2081 to 2087 inclusive of both; 2096, 2097, 2143, 2144; 2152 to 2166 inclusive of both; 2211 to S.82] 2215 inclusive of both; 2221 to 2240 inclusive of both; 2273 to 2481 inclusive of both; 2483 to 2493 inclusive of both; 2496 to 2500 inclusive of both; 2502, 2506; 2544 to 2550 inclusive of both; 2552; 2555 to 2577 inclusive of both; 2601 to 2607 inclusive of both; 2609 to 2621 inclusive of both; 2633; 2654 to 2693 inclusive of both; 2698, 2699; 2711 to 2730 inclusive of both; 2761, 2763, 2764, 2765, 2767, 2768, 2769; 2771 to 2775 inclusive of both; 2787, 2788, 2790, 2845; 2852 to 2870 inclusive of both; 2882 to 2900 inclusive of both; 2902, 2903, 2915; 2921 to 2983 inclusive of both; 2985, 3006, 3007, 3022 to 3043 inclusive of both; 3047 to 3071 inclusive of both; 3073 to 3082 inclusive of both; 3085 to 3107 inclusive of both; 3132; 3143 to 3214 inclusive of both; 3299 to 3348 inclusive of both; 3373 to 3483 inclusive of both; 3488 to 3500 inclusive of both; 3601 to 3686 inclusive of both; 3690 to 3800 inclusive of both; which bonds have been redeemed by the State of Missouri deposited as securities available to the State and dealing with the Pacific Railroad in the vaults of the treasury and, while the same were in said vault withdrawn from circulation as negotiable instruments, were criminally taken therefrom.

This ordinance shall become part of the organic law if the Constitution be adopted by the people on the thirtieth of October, 1875.

On motion of Mr. Gottschalk the rule was suspended, ordinance read the first and second times, rule further suspended, read the third time and passed by the following vote:

AYES.

Adams	Dysart	Hardin	Mudd	Spaunhorst
Alexander	Edwards	Hyer	Nickerson	Switzler
Allen	of Iron	Johnson	Norton	Taylor
Black	Edwards	of Cole	Pipkin	of Jasper
Boone	of St. Louis	Lackland	Priest	Taylor
Bradfield	Eitzen	Lay	Ray	of St. Louis
Brockmeyer	Farris	Letcher	Roberts	Todd
Chrisman	Fyan	Mabrey	Ross	Wagner
Conway	Gantt	Maxey	of Polk	Wallace
Cottey	Gottschalk	McCabe	Rucker	Watkins
Crews	Halliburton	McKee	Shanklin	Mr. President
Crockett	Hammond	McKillop	Shields	54
Davis				

NOES

None.

ABSENT.

Broadhead	Holliday	Johnston	Massey	Pulitzer	
Carleton		of Nodaway	Mortell	Rippey	8

ABSENT WITH LEAVE.

Dryden	McAfee	Ross	Shackelford	6
Hale	Rider	of Morgan		

Mr. Shields offered the following resolution:

S.83] Resolved, That the Committee on Accounts be instructed to draw a warrant payable out of the contingent fund for two hundred and seventy-five dollars in full payment for enrolling the Constitution.

which was read and adopted.

Mr. Broadhead offered the following resolution:

Resolved, That the Auditor of Public Accounts be required to furnish the Secretary of the Convention with a statement of the total expenses of the Convention, and that the Secretary be required to cause the same printed with the journal.

which was read and adopted.

Mr. Chrisman, chairman of the Committee on the Address to Accompany the Constitution, submitted the following report:

To the People of Missouri:

Your representatives assembled in Convention to "revise and amend" the Constitution of the State, have completed their work, and the result is now to be submitted to you for approval or rejection. That you may, the more readily compare the amended with the present Constitution and thus be enabled to form a clear and correct opinion as to their respective merits, your careful attention is invited to the following brief statement of the more important changes proposed with some of the advantages supposed to result from those changes.

BILL OF RIGHTS.

All the proscriptive features of the present bill of rights have been abolished, such as forfeiture of estates for treason and the provisions, which prevents gifts of any kinds to religious denominations, or to trustees for their use.

The grand jury system has been modified so as to make a grand jury consist of only twelve men, any nine of whom concurring, may find an indictment. This will be equally as effectve as the present system and will cause a great saving of costs in criminal proceedings.

S.84] In addition to the usual guaranties of natural and civil rights it is declared substantially:

That the General Assembly shall make no irrevocable grant of special privileges or immunities;

That no person shall hold office without personally devoting his time to the performance of the duties of such office;

That no collector or receiver of public money or the deputy of such shall be eligible to any office until he shall have accounted for and paid over all the money for which he may be accountable;

That private property shall not be taken or damaged for public use without compensation and whether the use be public is a question to be determined by the court;

That private property may be taken for private use for drains and ditches across the lands of others for agricultural and sanitary purpose, by making proper compensation therefor.

REPRESENTATION AND APPORTIONMENT.

In the matter of representation no radical change is proposed. As heretofore, the Senate is based strictly on population. Through the failure of the General Assembly to reapportion the State on the basis of the census of 1870, as required by the Constitution, great inequality exists in the senatorial districts, some having more than three times the population of others. To remedy this and secure equality, the State has been, in part, redistricted, and ample provision made to guard against a failure to redistrict in the future. In doing this, however, care has been taken to remove from office no Senator entitled to hold over.

Since the organization of the State, each county has been entitled to one Representative in the lower branch of the General Assembly, without regard to population. To abandon this feature would incur bitter opposition from many long accustomed to it. To adhere to it prevents S.85] the apportionment of Representatives strictly according to population, without increasing the number beyond reason.

To render satisfaction as far as practicable, the plan of county representation has been adhered to, and as a concession to the more populous counties, they have been allowed twelve more Representatives than at present, of which St. Louis receives three and the remaining nine are distributed among the next most populous counties according to population. Thus the advocates of increased representation to the more populous portions of the State, while not obtaining all they desire, receive more members than they have under the present Constitution.

LEGISLATIVE DEPARTMENT.

The General Assembly is required to meet once in two years, but is not permitted to hold adjourned sessions. Being restricted to general legislation, much less time will be required for its sessions, and the business will be more satisfactorily performed. Perhaps less than half its time is now occupied in the enactment of laws of a general nature, therefore there will be no necessity for adjourned sessions. To prevent

waste of time it is also provided that if the regular sessions be prolonged beyond seventy days, the members shall receive for their services after date only one dollar per day.

The Auditor's books show the cost to the State of the General Assemblies for the last ten years have been over $1,800,000. Of this amount it is fair to estimate that one half or over $900,000 has been for adjourned sessions, over $90,000 per annum, which will all be saved under the proposed Constitution.

S.86] As an additional saving it is provided that each member shall for each session, receive thirty dollars in full for all stationery, postage and other incidental expenses. This will stop a large drain upon the treasury under cover of stationery, postage, papers, etc., to members. It is further provided that no member shall receive mileage or traveling expenses for any extra session called within one day after the adjournment of a regular session. So there will be no more constructive mileage.

To afford security against hasty legislation and guard against the possibility of bills becoming laws, which have not been fairly and considerately passed upon, wholesome restrictions are thrown around the law makers and greater particularity required in the enactment of laws than heretofore.

The evils of local and special legislation have become enormous. We need but look to our session acts to be satisfied that this species of legislation occupies the larger portion of the time of our General Assemblies, to the neglect and prejudice of public interests. The expense to the State in passing and publishing such laws and the combinations by which private interests have been advanced and dangerous monopolies created are well known. Under the proposed Constitution the General Assembly is prohibited from passing such laws. In all cases where a general law can be made applicable, a special law cannot be enacted, and in no case can any local or special law be passed unless notice of the intention to apply therefor shall have been published for thirty days in the locality to be affected thereby.

The power of the Legislature to create debts or issue bonds of the State is prohibited, except to renew existing bonds when there is money to pay them, and to meet an unforseen emergency or capital deficiency of S.87] the revenue to an amount not exceeding $200,000 for any one year. If a larger amount shall be desired for the purpose of meeting such deficiency or emergency, the question must be submitted to the voters of the State and approved by a majority of two thirds before the General Assembly can create any liability therefor.

The State and every county, city or other municipality are prohibited from paying any compensation to any officer, agent, servant or contractor after service has been rendered or a contract made and partially performed, or from paying any claim enacted without express authority of law.

EXECUTIVE DEPARTMENT.

The term of office of the Governor and other State officers is extended from two to four years.

As an additional check upon ill-advised legislation, a majority of two thirds of all the members of each house is required to pass a bill over the veto of the Governor. It is also provided that when a bill contains several items of appropriations of money, the Governor may veto one or more of said items and approve the remainder of the bill. When it is remembered that appropriation bills are frequently passed near the close of a session and that the Governor is then compelled to approve improper items of appropriation, or veto the entire bill, the importance of this provision will be acknowledged.

JUDICIAL DEPARTMENT.

The Supreme Court will remain as now constituted, except that all its terms will be held at the seat of Government. This will add to the dignity and efficiency of the court.

Business in the Supreme Court has so accumulated that litigants are subjected to annoyance and ruinous delays. To remedy this and S.88] enable the court to dispose of the business with proper consideration and dispatch, an inferior Court of Appeals is established in the city of St. Louis, to which all appeals and writs of error from the courts of St. Louis, St. Charles, Warren and Lincoln counties must be taken and from which appeals and writs of error to the Supreme Court will lie only in certain classes of cases. Much of the business of said counties will terminate in said Court of Appeals and to that extent will the Supreme Court be relieved.

Common pleas courts are abolished, such as are presided over by a circuit judge and such as are organized in cities having over thirty-five hundred inhabitants shall continue until otherwise provided by law. All other common pleas courts shall cease at the expiration of the terms of office of the present jurors.

In localities other than county seats, where courts are needed, the General Assembly may require terms of the circuit court to be held.

The jurisdiction of probate and county courts is defined and made uniform throughout the State. Probate courts are required in each county. County courts will consist of one or more judges, not exceeding three, as may be fixed by the General Assembly.

Uniformity in our judicial system will thus be secured and the State relieved of many courts of limited and uncertain jurisdiction. The number of judicial officers will be reduced and the entire machinery simplified and rendered more efficient, while localities can be accommodated with courts as at present.

EDUCATION.

The maintenance of free public schools for the gratuitous instruction of all children between the ages of six and twenty years is required.

The public school fund of the State is continued and securely guarded and provision made for its gradual increase. Ample provision is also made for the preservation of county and township school funds. Whilst S.89] local taxation, when necesssary, for the maintanance of public schools, is still allowed, it is under such restrictions and limitations, as will tend to prevent the abuses which have become so common under the present system.

PUBLIC MONEYS.

The proposed Constitution requires all State moneys to be kept on deposit, to the credit of the State in some bank or banks selected by the Treasurer, with the approval of the Governor and Attorney General, said banks giving security to the satisfaction of the Governor and Attorney General and paying interest for the use of the money. Said fund can be drawn by the Treasurer only as needed for payment of warrants drawn on him by the Auditor. Under this change the public funds will be equally as secure as at present. Large amounts of State money are, of necessity, always on hand, the interest on which will thus be paid to the State. When large sums of public money are held by officers,they are liable to be tempted to use it, or permit it to be used for private purposes or in some unauthorized way. And whether they so use it or not, the opportunity of doing so subjects them to continual suspicion and criticism. The removal of such opportunity with the consequent opprobrium, will be a benefit to the office holder if honest and to the State whether he is honest or not.

REVENUE AND TAXATION.

Provision is made for the material reduction of the State taxes.

The annual tax of twenty-five cents on the one hundred dollars is now levied to be used only for the payment of the interest on the bonded debt of the State and the creation of a sinking fund for the redemption S.90] of the principal. The proposed Constitution directs that there shall be levied and collected an annual tax sufficient to pay the accruing interest on the bonded debt of the State and to reduce the principal thereon each year by a sum not less than $250,000. This and all other State taxes are to be paid into the State treasury from which a sufficiency must be set apart. *First*, to pay all interest on the State debt as it matures and at least two hundred and fifty thousand dollars annually on the principal thus securing, beyond doubt the payment of the interest and a portion of the principal each year, and at the same time, requiring no larger tax for that purpose than actually necessary and thus enabling the Legislature to reduce it as the debt is reduced and as the taxable property of the State shall be increased. At present the tax of twenty-five cents on the

one hundred dollars yields annually about four hundred and fifty thousand dollars, more than sufficient to pay the interest and two hundred and fifty thousand dollars on the principal, and this surplus will increase, annually as the debt is reduced and the taxable property increased. The proposed change requires only a "tax sufficient" to be levied, whereas the present Constitution requires much more than is sufficient.

To the imposition of taxes for county, township, city, town and school purposes a limit is fixed by the proposed Constitution, beyond which they cannot be increased. At present there is no such Constitutional limit.

Cemeteries are exempt from taxation. Property used exclusively for religious worship, for schools and purposes purely charitable and for agricultural and horticultural societies may be exempted by the Legislature. Under the present Constitution no such property can be legally exempted.

S.91] STATE AND MUNICIPAL INDEBTEDNESS.

The General Assembly is prohibited from lending the credit of the State in aid of any corporation and from paying or assuming the debts or liabilities of any public or other corporation, association or individual.

Counties, townships, cities and towns are absolutely prohibited from making any subscription to the capital stock of any railroad or other corporation and from granting aid, in any manner, to such corporation.

No county, township, city, town or school district is permitted to create any indebtedness to an amount exceeding, in any year, the revenue for such year, unless authorized by a majority of two-thirds of the voters thereof; nor under any circumstances, even with such vote, to an amount, including existing indebtedness, exceeding five per cent on the amount of taxable property therein except for building a court house or jail.

For the want of such provisions many of our counties, cities and school districts are now burdened with debt and taxation to an alarming extent.

CORPORATIONS.

Except for benevolent, religious, scientific or educational purposes no corporation can be formed without payment to the State Treasurer, at the time of filing the articles of association, of the sum of fifty dollars and more if the capital exceeds fifty thousand dollars. This will afford considerable revenue and discourage the formation of irresponsible companies.

No corporation, public or private, can be created or have its charter amended by special law.

It is made a criminal offense for the managers of banking institutions to receive deposits or create debts after having knowledge of the fact that such institutions are insolvent or in failing circumstances, and S.92] such managers are made individually liable for all liabilities created under such circumstances, with their assent.

Railroads are declared public highways and the General Assembly is authorized to establish maximum rates of charges and to provide against unjust discriminations.

No railroad corporation in existence at the time of the adoption of the new Constitution can have the benefit of any future legislation except on condition of complete acceptance of that portion of the Constitution applicable to railroads.

NEW COUNTIES.

No new county can be made unless a majority of the voters of all the counties from which the new county is to be formed shall first vote in favor of it. This will remove the contest for the formation of new counties from the General Assembly to the counties directly interested.

When a new county is formed, the portion stricken off from any county shall be held liable for its ratable proportion of the debt of the county from which it is taken.

CITIES AND TOWNS.

Charters of cities and towns must be amended by general law. The advantages of this must be apparent. To illustrate, a single law will suffice for all cities and towns of the same class in the State, whereas, now a separate law must be passed for every city. Legislation in the interest of individuals and cliques will be prevented, for while it is easy to procure the passage of an unjust law affecting but a single locality, in which none but the immediate representatives are interested, it would be difficult to S.93] procure the passage of a similar law, affecting all localities of the same class.

AMNESTY.

At present no person can be proceeded against civilly or criminally for any act done during the late Civil War under the military authority of the United States or of this State. The new Constitution extends the benefit of this provision to persons for acts done under the military authority of the late Confederate States or any of them.

TOWNSHIP ORGANIZATION.

Counties desiring township organization may adopt it by vote; and provision is made whereby those counties which have adopted it, may, by vote, dispense with it, if they desire to do so.

WAR CLAIMS.

Under the Act of the General Assembly entitled, "An Act to audit and adjust the war debt of the State," approved March 19th, 1874, claims have been audited amounting to millions of dollars, for which certificates have been issued, signed by the State officers designated by law, reciting said claims as debts of the State, payable when they shall be collected

from the United States. Most of these claims are found to be fraudulent. Even those which are just, are in reality claims against the United States, for which the State should in no case be held bound. Still in the certificates issued they are recited as debts of the State and there is therefore danger that interested parties may induce the General Assembly, in an unguarded hour, to recognize and pay them. To settle this matter S.94] definitely and finally, it is provided that the Legislature shall never pay any of said claims until the money therefor shall be actually received from the United States.

Such are the principal changes proposed. They have not been adopted without due care and reflection and while many of them are new in this State, most of them have been tried and are now in force in some one or more of our sister states.

It will be seen that the end sought to be acomplished is to secure an efficient and economical administration of the several departments of the State government; and with this object in view, especial effort has been directed to secure the following results: Restrictions upon the powers of the Legislative Department; uniformity in the organization and jurisdiction of the Judicial Department; limitations upon the power of all officials in the creation of debts; reduction of taxes of the State and of all counties, townships, cities, towns and school districts; the removal of opportunity for private use of public moneys and a rigid economy in the expenditure thereof and prevention of abuse of power and corruption in office.

Your own inclination and interests will lead you to examine closely not only the changes herein referred to, but all the provisions of the Constitution now submitted to you. Although it may not be all you desire or all you think it ought to be, yet, if upon investigation and comparison, you conclude that, as a whole, it is preferable to the present Constitution, you will of course advocate and vote for it. You must select one or the other. As citizens having at heart the will and prosperity of the State, you will doubtless make such choice as will contribute to the best interest of our great and growing State.

S.95]Wm. Chrisman, *Chairman*
Albert Todd
L. F. Cottey
J. L. Farris
Wash Adams
H. J. Spaunhorst
A. V. McKee
R. W. Fyan
Lowndes H. Davis
M. McKillop
J. H. Maxey
Geo. H. Shields
J. H. Shanklin

which was read and unanimously adopted and ordered printed with the Constitution.

Mr. Mudd offered the following resolution:

Resolved, That the Committee on Accounts be authorized and instructed to audit and allow, if found correct, the account of the State Printer for the printing already done for the Convention and for printing and binding the pamphlet copies of the Constitution and address as

ordered by this Convention, said sum to be paid out of the contingent fund of this body, *provided*, said fund shall be sufficient therefor after the payment of such claims as have been or may be ordered by this Convention for the contingent expenses thereof, and *provided further*, said Committee shall give certificate for any balance due said printer, if any there be after the contingent fund shall be exhausted.

which was read and adopted.

Mr. Conway called up his resolution in relation to mileage for the Committee on Superintending the Printing of the Constitution and Address, which was read and adopted.

Mr. Conway offered the following resolution:

Resolved, That the assistant State librarian be allowed the sum of two dollars per day for his services, during the session of this Convention, the same to be paid out of the contingent fund of the Convention.

which was read and, on motion of Mr. Pipkin, laid on the table.

On motion of Mr. Taylor of Jasper the Convention took a recess for one hour.

The hour of recess having expired, the President resumed the chair and called the Convention to order.

Mr. Shields from the Committee on the Enrollment of the Constitution submitted the following report:

Mr. President:

The Committee on Enrollment of the Constitution begs leave to report that it has had the Constitution carefully enrolled on parchment and has carefully compared the same with the copy as presented by the Secretary of the Convention and it finds the same has been correctly worded, all of which is respectfully submitted.

Geo. H. Shields, *Chairman*,
Geo. W. Carleton,
B. F. Massey.

which was read.

Mr. Brockmeyer moved that the Constitution be read a third time now and placed upon its passage for final S.96] adoption, which was agreed to.

The question then being on the final adoption of the Constitution, it was adopted by the following vote:

AYES.

Adams	Black	Broadhead	Chrisman	Crews
Alexander	Boone	Brockmeyer	Conway	Crockett
Allen	Bradfield	Carleton	Cottey	Davis

Dysart	Hammond	McCabe	Rider	Taylor
Edwards	Hardin	McKee	Rippey	of Jasper
of Iron	Hyer	McKillop	Roberts	Taylor
Edwards	Johnson	Mortell	Ross	of St. Louis
of St. Louis	of Cole	Mudd	of Polk	Todd
Eitzen	Lackland	Nickerson	Rucker	Wagner
Farris	Lay	Norton	Shanklin	Wallace
Fyan	Letcher	Pipkin	Shields	Watkins
Gantt	Mabrey	Priest	Spaunhorst	Mr. President
Gottschalk	Massey	Ray	Switzler	60
Halliburton	Maxey			

NOES.

None.

ABSENT.

Holliday	Johnston	Pulitzer	
	of Nodaway		3

ABSENT WITH LEAVE.

Dryden	Hale	McAfee	Ross	Shackelford
			of Morgan	5

Mr. Gottschalk moved to reconsider the vote by which the Constitution as a whole was adopted and to lay his motion to reconsider on the table, which was agreed to.

Mr. Adams offered the following resolution:

Resolved, That each absent member be allowed until the thirtieth day of October, 1875, to sign the enrolled Constitution in the presence of the Secretary of State.

which was read and adopted.

Mr. Cottey offered the following resolution:

Whereas, Chas. B. McAfee, John B. Hale, Thos. Shackelford and L. J. Dryden, members of this Convention, having been unavoidably called away before the close of the same and having authorized by written request L. F. Cottey and H. C. Lackland to sign their names to the enrolled copy of the new Constitution in their absence, Therefore, *be it resolved*, That the said L. F. Cottey and H. C. Lackland be permitted to sign the names of the said members respectively.

which was read.

Mr. Gottschalk offered the following substitute for the resolution offered by Mr. Cottey:

Resolved, That the signing of this Constitution be now proceeded with in the following order: That it be signed first by the President, then by the Vice-President of this Convention, and thereupon the Secretary shall call the roll of the members of this Convention in alphabetical order

when each member so called shall step to the Secretary's desk and sign his name, *provided*, that blanks be left for those members who may be absent at this time, after which it shall be duly attested by the Secretary and assistant secretary of this Convention and *further provided* that members having a written power of attorney from members of this Convention now absent shall be permitted to sign the Constitution in place of those absent members and that such power of attorney or written authority shall be filed with the Constitution in the office of the Secretary of State.

which was read and adopted.

S.97] Thereupon the following officers and members of the Convention proceeded to sign the Constitution in accordance with the resolution adopted by the Convention.

Waldo P. Johnson, President, St. Clair county.
N. W. Watkins, Vice-President, Scott county.
Wash. Adams, of Cooper county.
De Witt C. Allen, Clay county.
A. M. Alexander, of Monore county.
Francis M. Black, of Jackson county.
Henry Boone, of DeKalb county.
Geo. W. Bradfield, of Laclede county.
Jas. O. Broadhead, of St. Louis county.
Henry C. Brockmeyer, of St. Louis county.
Geo. W. Carleton, of Pemiscot county.
William Chrisman, of Jackson county.
Edmond V. Conway, of St. Francois county.
Louis F. Cottey, of Knox county.
T. W. B. Crews, of Franklin county.
Samuel R. Crockett, of Vernon county.
Lowndes Henry Davis, of Cape Girardeau county.
Benjamin Robert Dysart, of Macon county.
John F. T. Edwards, of Iron county.
James C. Edwards, of St. Louis county.
Charles D. Eitzen, of Gasconade county.
James L. Farris, of Ray county.
Robert W. Fyan, of Webster county.
Thomas Tasker Gantt, of St. Louis county.
Louis Gottschalk, of St. Louis county.
John B. Hale, of Carroll county.
W. Halliburton, Sullivan county.

Charles Hammond, of Chariton county.
Neil Cammeron Hardin, of Pike County.
John Hyer, of Dent county.
Horace B. Johnson, of Cole county.
Henry Clay Lackland, of St. Charles county.
Alfred M. Lay, of Cole county.
William H. Letcher, of Saline county.
Pinckney Mabrey, of Ripely county.
B. F. Massey, of Newton county.
James Henry Maxey, of Howell county.
Charles B. McAfee, of Greene county.
Edward McCabe, of Marion county.
Archibald J. McKee, of Lincoln county.
Malcolm McKillop, of Atchison county.
Nicholas A. Mortell, of St. Louis county.
Henry Thomas Mudd, of St. Louis county.
Edmond A. Nickerson, of Johnson county.
Elijah Hise Norton, of Platte county.
Phillip Pipkin, of Jefferson county.
William Priest, of Ralls county.
S.98] John Ray, of Barry county.
J. H. Rider, of Bollinger county.
J. R. Rippey, of Schuyler county.
James C. Roberts, of Buchanan county.
John W. Ross, of Polk county.
John Fleming Rucker, of Boone county.
Thos. Shackelford, of Howard county.
John H. Shanklin, of Grundy county.
Geo. H. Shields, of St. Louis county.
Henry J. Spaunhorst, of St. Louis county.
William F. Switzler, of Boone county.
John H. Taylor, of Jasper county.
Amos Riley Taylor, of St. Louis county.
Albert Todd, of St. Louis, St. Louis county.
L. J. Wagner, of Scotland county.
Henry C. Wallace, of Lafayette county.
Attest: G. N. Nolan, *Secretary.*
J. Boyle Adams, *Assistant Secretary.*

Mr. Gantt offered the following resolution:

Resolved, That five hundred copies of the ordinance respecting the 1918 missing bonds be printed and that two hundred copies thereof be furnished to the Treasurer for communication to the fiscal agents of the State.

which was read and adopted.

Mr. Shields offered the following resolution:

Resolved, That this Convention hereby tenders its thanks to the President and Vice-President for the able and satisfactory manner in which they have presided over the deliberations of this body during its session, and for their uniform courtesy and kindness to the members in all their official relations, and that it hereby expresses our high appreciation of their endeavors to faithfully discharge their duties in the interest of the dispatch of business and the proper consideration of the important subjects that have been brought before this Convention.

which was read and adopted.

Mr. Norton offered the following resolution:

Resolved, That the thanks of this Convention are hereby tendered to the Secretary and his assistant for the faithful manner in which they have discharged their duties.

which was read and adopted.

Mr. Rider offered the following resolution:

Resolved, That the thanks of this Convention are hereby tendered to the Hon. C. H. Hammond, chairman of the Committee on Accounts for the faithful manner in which he has discharged the duties of this Committee without the assistance of a clerk.

S.99] which was read and adopted.

Mr. Halliburton in the chair.

Mr. Johnson of St. Clair offered the following resolution:

Resolved, That the Secretary of the Convention with one assistant which he may select to aid him in the work, shall finish up the journal and that the Committee to Superintend the Printing be authorized to audit their acounts and certify the same.

which was read and adopted.

The journal of Saturday was being read when on motion Mr. Norton, the further reading was dispensed with.

On motion of Mr. Norton, at 12 o'clock and 23 minutes p. m., the Convention adjourned sine die.

Waldo P. Johnson, *President.*

Attest: George N. Nolan, *Secretary.*

APPENDIX

OFFICERS OF THE CONVENTION

WALDO P. JOHNSON ..... *President*
NATHANIEL W. WATKINS ..... *Vice-President*
GEORGE N. NOLAN ..... *Secretary*
J. B. ADAMS ..... *Assistant Secretary*
SILAS CARR ..... *Sergeant-at-Arms*
H. E. MOORE ..... *Door-Keeper*

LIST OF MEMBERS OF THE CONSTITUTIONAL CONVENTION, WITH RESIDENCES, DISTRICTS REPRESENTED, AND COMMITTEES.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Adams, Washington....	Boonville.....	28th...	Address to the People Judicial Department (chairman)
Alexander, Armsted M..	Paris	7th...	Elections and Electors (chairman) Report of Proceedings of Convention Revenue and Taxation
Allen, Dewitt C.....	Liberty.....	3rd....	Education Federal Relations Legislative Department
Black, Francis M.....	Kansas City...	14th...	Boundaries and Political Subdivisions of the State (chairman) Revision Schedule
Boone, Henry.....	Union Star....	2nd...	Organization of Militia of State Representation, Representative and Senatorial Districts Section thirty-nine of Report of Committee on Judicial Department
Bradfield, George W....	Lebanon.....	20th...	Condition of Bonded Debt of State Executive and Ministerial Departments of State Government Representation, Representative and Senatorial Districts

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

Name.	Residence.	District.	Committees.
Broadhead, James O....	St. Louis.....	30th....	Federal Relations (chairman) Judicial Department Railroad Taxation Report of Proceedings of Convention (chairman) Representation, Representative and Senatorial Districts St. Louis Affairs (chairman) To notify President and escort him to the Chair
Brockmeyer, Henry C...	St. Louis.....	34th....	Legislative Department (chairman) Resolutions Rules (chairman) St. Louis Affairs
Carleton, George W.....	Gayoso.....	25th...	Banks and Corporations Education Enrollment of Constitution Legislative Department
Chrisman, William.....	Independence..	14th....	Address to the People (chairman) Judicial Department Miscellaneous Provisions Report of Proceedings of Convention Section five of Article on Boundaries (chairman)
Conway, Edmund W....	Farmington...	23rd....	Executive and Ministerial Departments of State Government Preamble and Bill of Rights
Cottey, Louis F.....	Edina.....	12th....	Address to the People Executive and Ministerial Departments of State Government Miscellaneous Provisions Preamble and Bill of Right

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

Name.	Residence.	District.	Committees.
Crews, T. W. B.....	Gray Summit..	21st....	Condition of Bonded Debt of State Executive and Ministerial Officers of County and Municipal Government (chairman) Manner of Amending Constitution Miscellaneous Provisions Section seven of Article on Railroads of Report of Committee on Banks and Corporations Section thirty-nine of Report of Committee on Judicial Department
Crockett, Samuel R.....	Nevada.....	16th....	Boundaries and Political Subdivisions of the State Miscellaneous Provisions Organization of Militia of State Section five of Article on Boundaries
Davis, Lowndes Henry..	Jackson	26th....	Address to the People Federal Relations Judicial Department New Section to Article on Judicial Department Railroad Taxation
Dryden, Leonidas J.....	Warrenton....	10th....	Accounts Revenue and Taxation
Dysart, Benjamin R....	Macon.....	8th....	Judicial Department Printing and Binding
Edwards, James C.....	Bridgeton.....	34th....	Banks and Corporations (chairman) Rules St. Louis Affairs To investigate and make Recommendations regarding Money due State from Atlantic and Pacific Railroad (chairman)
Edwards, J. F. T.....	Ironton.....	24th....	Accounts Elections and Electors Printing and Binding
Eitzen, Charles D.....	Hermann.....	21st....	Preamble and Bill of Rights Printing and Binding

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Farris, James L.....	Richmond....	4th....	Address to the People Judicial Department Preamble and Bill of Rights Propositions Separately to be Submitted Revision
Fyan, Robert W.....	Marshfield....	19th....	Address to the People Banks and Corporations Revenue and Taxation Representation, Representative and Senatorial Districts Rules Section thirty-nine of Report of Committee on Judicial Department To examine Senate Chamber and see if it can be used by the Convention To investigate and make Recommendations regarding Money due State from Atlantic and Pacific Railroad
Gantt, Thomas Tasker..	St. Louis.....	30th....	Condition of Bonded Debt of State (chairman) Legislative Department Preamble and Bill of Rights (chairman) Resolutions St. Louis Affairs Section seven of Article on Railroads of Report of Committee on Banks and Corporations
Gottschalk, Louis.....	St. Louis.....	30th....	Judicial Department Legislative Department Propositions Separately to be Submitted (chairman) St. Louis Affairs
Hale, John B.....	Carrollton....	5th....	Banks and Corporations Manner of Amending Constitution (chairman) New Section to Article on Judicial Department (chairman)
Halliburton, Westley...	Milan.....	6th....	Preamble and Bill of Rights Representation, Representative and Senatorial Districts

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Hammond, Charles.....	Brunswick....	6th...	Accounts (chairman) Judicial Department
Hardin, Neil C.....	Louisiana.....	11th...	Executive and Ministerial Officers of County and Municipal Government Manner of Amending Constitution
Holliday, Junius A.....	Hamilton.....	4th...	Banks and Corporations Federal Relations Legislative Department
Hyer, John.....	Lake Spring..	22nd...	Legislative Department Organization of Militia of State Propositions Separately to be Submitted
Johnson, Horace B.....	Jefferson City.	27th....	Condition of Bonded Debt of State Schedule Section five of Article on Boundaries To superintend Printing and Distribution of Constitution and Address
Johnson, Waldo P.....	Osceola.....	15th...	Resolutions
Johnston, Thomas J....	Maryville.....	1st....	Judicial Department Organization of Militia of State To examine Journal of Convention
Lackland, Henry C.....	St. Charles....	10th...	Judicial Department Printing and Binding
Lay, Alfred M.....	Jefferson City.	27th...	Court of Claims (chairman) Judicial Department Legislative Department Representation, Representative and Senatorial Districts Section seven of Article on Railroads of Report of Committee on Banks and Corporations To examine Senate Chamber and Report if it can be used by the Convention To superintend Printing and Distribution of Constitution and Address

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Letcher, William H.....	Marshall.....	17th....	Education Railroad Taxation Revenue and Taxation (chairman) Section seven of Article on Railroads of Report of Committee on Banks and Corporations To investigate and make Recommendations regarding Money due State from Atlantic and Pacific Railroad
McAfee, Charles B.....	Springfield....	19th....	Court of Claims Judicial Department New Section to Article on Judicial Department Organization of Militia of State (chairman) Propositions Separately to be Submitted Railroad Taxation Report of Proceedings of Convention
McCabe, Edward.....	Palmyra.....	13th....	Condition of Bonded Debt of State Education Executive and Ministerial Departments of State Government (chairman) Federal Relations Judicial Department New Section to Article on Judicial Department Railroad Taxation Revision
McKee, Archibald V....	Troy.....	11th....	Address to the People Education Elections and Electors Executive and Ministerial Departments of State Government Federal Relations
McKillop, Malcolm.....	Rockport.....	1st....	Address to the People Elections and Electors Executive and Ministerial Officers of County and Municipal Government
Mabrey, Pinckney.....	Doniphan.....	24th....	Manner of Amending Constitution

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Massey, Benjamin F....	Neosho.....	18th....	Banks and Corporations Enrollment of Constitution Officers of the Convention Revenue and Taxation To examine Journal of Convention (chairman)
Maxey, James H.....	West Plains...	22nd...	Address to the People Executive and Ministerial Departments of State Government New Section to Article on Judicial Department Preamble and Bill of Rights Revision
Mortell, Nicholas A.....	St. Louis.....	33rd....	Executive and Ministerial Officers of County and Municipal Government Revision St. Louis Affairs
Mudd, Henry T.....	Kirkwood.....	29th....	Revenue and Taxation St. Louis Affairs Schedule
Nickerson, Edmond A...	Warrensburg..	15th....	Legislative Department Revenue and Taxation
Norton, Elijah H.....	Platte City....	3rd....	Condition of Bonded Debt of State Printing and Binding (chairman) Propositions Separately to be Submitted Railroad Taxation Representation, Representative and Senatorial Districts (chairman) Rules Schedule Section five of Article on Boundaries To examine Journal of Convention
Pipkin, Phillip.....	Hillsboro.....	23rd....	Federal Relations Legislative Department Manner of Amending Constitution To examine Senate Chamber and report if it can be used by Convention (chairman)

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Priest, William.....	New London..	13th....	Banks and Corporations Officers of the Convention Representation, Representative and Senatorial Districts
Pulitzer, Joseph.....	St. Louis.....	31st....	Boundaries and Political Subdivisions of the State Education Federal Relations St. Louis Affairs To notify President of his election and escort him to Chair
Ray, John.....	Cassville.....	18th....	Executive and Ministerial Officers of County and Municipal Government Manner of Amending Constitution
Rider, James H.....	Marble Hill...	26th....	Accounts Elections and Electors Executive and Ministerial Officers of County and Municipal Government Officers of the Convention (chairman)
Rippey, John R.....	Lancaster.....	8th....	Legislative Department Manner of Amending Constitution
Roberts, James C.....	St. Joseph....	2nd...	Boundaries and Political Subdivisions of the State Executive and Ministerial Departments of State Government Federal Relations Railroad Taxation Section seven of Article on Railroads of Report of Committee on Banks and Corporations (chairman) To investigate and make Recommendations regarding Money due State from Atlantic and Pacific Railroad

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Ross, James P.....	Versailles.....	28th....	Banks and Corporations Court of Claims Executive and Ministerial Officers of County and Municipal Government Federal Relations Officers of the Convention Organization of Militia of State
Ross, John W.....	Bolivar.....	20th....	Accounts Federal Relations Legislative Department
Rucker, John F.....	Sturgeon.....	9th....	Boundaries and Political Subdivisions of the State Elections and Electors Revision
Shackelford, Thomas....	Glasgow.....	7th....	Federal Relations Judicial Department Miscellaneous Provisions Revision Section five of Article on Boundaries
Shanklin, John H.....	Trenton.....	5th....	Address to the People Boundaries and Political Subdivisions of the State Legislative Department Organization of Militia of State Revision Schedule (chairman)
Shields, George H.....	St. Louis.....	29th....	Address to the People Banks and Corporations Education Enrollment of Constitution (chairman) Miscellaneous Provisions Railroad Taxation (chairman) St. Louis Affairs
Spaunhorst, Henry J....	St. Louis.....	33rd....	Address to the People Boundaries and Political Subdivisions of the State Federal Relations Representation, Representative and Senatorial Districts St. Louis Affairs To investigate and make Recommendations regarding Money due the State from Atlantic and Pacific Railroad

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT	COMMITTEES.
Switzler, William F.....	Columbia.....	9th....	Condition of Bonded Debt of State Education (chairman) Report of Proceedings of Convention Schedule Section thirty-nine of Report of Committee on Judicial Department (chairman) To superintend Printing and Distribution of Constitution and Address (chairman) To notify President of his election and escort him to the Chair
Taylor, Amos R.....	St. Louis.....	32nd...	Elections and Electors Judicial Department Revision (chairman) St. Louis Affairs
Taylor, John H.....	Joplin.....	16th....	Executive and Ministerial Departments of State Government Miscellaneous Provisions
Todd, Albert.....	St. Louis.....	31st....	Address to the People Education Executive and Ministerial Departments of State Government Representation, Representative and Senatorial Districts Resolutions Revision St. Louis Affairs
Wagner, Levi J.....	Memphis.....	12th....	Propositions Separately to be Submitted Representation, Representative and Senatorial Districts Revision Rules

List of Members of the Constitutional Convention, with Residences, Districts Represented, and Committees—Continued.

NAME.	RESIDENCE.	DISTRICT.	COMMITTEES.
Wallace, Henry C.....	Lexington.....	17th....	Miscellaneous Provisions (chairman) Railroad Taxation Representation, Representative and Senatorial Districts Schedule Section thirty-nine of Report of Committee on Judicial Department
Watkins, Nathaniel W..	Morley.....	25th....	Miscellaneous Provisions Officers of the Convention Propositions Separately to be Submitted Representation, Representative and Senatorial Districts.

COMMITTEES OF THE CONVENTION.

On Officers of the Convention.

James H. Rider
Benjamin F. Massey
James P. Ross
Nathaniel W. Watkins
William Priest

On Rules.

Henry C. Brockmeyer
James C. Edwards
Robert W. Fyan
Levi J. Wagner
Elijah H. Norton

On Accounts.

Charles Hammond
John W. Ross
Leonidas J. Dryden
J. F. T. Edwards
James H. Rider

On Address to the People.

William Chrisman
Louis F. Cottey
John H. Shanklin
Malcolm McKillop
James L. Farris
Archibald V. McKee
Robert W. Fyan
Washington Adams
James H. Maxey
Lowndes H. Davis
Henry J. Spaunhorst
Albert Todd
George H. Shields

On Banks and Corporations.

James C. Edwards
James P. Ross
Benjamin F. Massey
William Priest
John B. Half
George W. Carleton
George H. Shields
Robert W. Fyan
Junius A. Holliday

On Boundaries and Political Subdivisions of the State.

Francis M. Black
James C. Roberts
Henry J. Spaunhorst
Joseph Pulitzer
John H. Shanklin
Samuel R. Crockett
John F. Rucker

On Education.

William F. Switzler
Joseph Pulitzer
George H. Shields
George W. Carleton
Archibald V. McKee
Dewitt C. Allen
William H. Letcher
Albert Todd
Edward McCabe

On Elections and Electors.

Armsted M. Alexander
Malcolm McKillop
James H. Rider
Amos R. Taylor
J. F. T. Edwards
Archibald V. McKee
John F. Rucker

On Executive and Ministerial Departments of State Government.

Edward McCabe
Albert Todd
John H. Taylor
James C. Roberts
Louis F. Cottey
George W. Bradfield
Edmund V. Conway
James H. Maxey
Archibald V. McKee

On Executive and Ministerial Officers of County and Municipal Government.

T. W. B. Crews
John Ray
James H. Rider
James P. Ross
Neil C. Hardin
Nicholas A. Mortell
Malcolm McKillop

On Federal Relations.

James O. Broadhead
Joseph Pulitzer
Henry J. Spaunhorst
Lowndes H. Davis
Phillip Pipkin
John W. Ross
James P. Ross
DeWitt C. Allen
James C. Roberts
Junius A. Holliday
Thomas Shackelford
Edward McCabe
Archibald V. McKee

On Judicial Department.

Washington Adams
William Chrisman
Charles B. McAfee
Lowndes H. Davis
Henry C. Lackland
James O. Broadhead
Edward McCabe
Louis Gottschalk
Thomas J. Johnston
James L. Farris
Charles Hammond
Amos R. Taylor
Benjamin R. Dysart
Thomas Shackelford
Alfred M. Lay

On Legislative Department.

Henry C. Brockmeyer
Thomas T. Gantt
Louis Gottschalk
Edmond A. Nickerson
Alfred M. Lay
George W. Carleton
John Hyer
Junius A. Holliday
John W. Ross
DeWitt C. Allen
Phillip Pipkin
John H. Shanklin
John R. Rippey

On Manner of Amending Constitution.

John B. Hale
T. W. B. Crews
Neil C. Hardin
Pinckney Mabrey
John R. Rippey
Phillip Pipkin
John Ray

On Miscellaneous Provisions.

Henry C. Wallace
Thomas Shackelford
Nathaniel W. Watkins
John H. Taylor
George H. Shields
T. W. B. Crews
William Chrisman
Louis F. Cottey
Samuel R. Crockett

On Organization of Militia of State.

Charles B. McAfee
James P. Ross
John H. Shanklin
Samuel R. Crockett
Henry Boone
Thomas J. Johnston
John Hyer

On Preamble and Bill of Rights.

Thomas T. Gantt
Edmund V. Conway
Louis F. Cottey
Charles D. Eitzen
James H. Maxey
Westley Halliburton
James L. Farris

On Printing and Binding.

Elijah H. Norton
Benjamin R. Dysart
Charles D. Eitzen
Henry C. Lackland
J. F. T. Edwards

On Railroad Taxation.

George H. Shields
Elijah H. Norton
Edward McCabe
Lowndes H. Davis
Charles B. McAfee
James O. Broadhead
Henry C. Wallace
James C. Roberts
William H. Letcher

On Representation, Representative and Senatorial Districts.

Elijah H. Norton
James O. Broadhead
Albert Todd
Henry J. Spaunhorst
Nathaniel W. Watkins
George W. Bradfield
Robert W. Fyan
Alfred M. Lay
Henry Boone
Westley Halliburton
Henry C. Wallace
Levi J. Wagner
William Priest

On Revenue and Taxation.

William H. Letcher
Henry T. Mudd
Benjamin F. Massey
Leonidas J. Dryden
Armsted M. Alexander
Edmond A. Nickerson
Robert W. Fyan

On Revision.

Amos R. Taylor
Albert Todd
Nicholas A. Mortell
Francis M. Black
Levi J. Wagner
James L. Farris
Thomas Shackelford
James H. Maxey
Edward McCabe
John H. Shanklin
John F. Rucker
Chairman of each standing committee.

On St. Louis Affairs.

James O. Broadhead
Henry C. Brockmeyer
James C. Edwards
Thomas T. Gantt
Louis Gottschalk
Nicholas A. Mortell
Henry T. Mudd
Joseph Pulitzer
George H. Shields
Henry J. Spaunhorst
Amos R. Taylor
Albert Todd

To Examine Journal of Convention.

Benjamin F. Massey
Elijah H. Norton
Thomas J. Johnston

SPECIAL COMMITTEES

On Condition of Bonded Debt of the State.

THOMAS T. GANTT
T. W. B. CREWS
HORACE B. JOHNSON
EDWARD MCCABE
ELIJAH H. NORTON
GEORGE W. BRADFIELD
WILLIAM F. SWITZLER

On Court of Claims.

JAMES P. ROSS
ALFRED M. LAY
CHARLES B. MCAFEE

On Enrollment of Constitution.

GEORGE H. SHIELDS
GEORGE W. CARLETON
BENJAMIN F. MASSEY

To Examine Senate Chamber to See if It Can be Used by the Convention.

PHILLIP PIPKIN
ALFRED M. LAY
ROBERT W. FYAN

To Investigate and Make Recommendations Regarding Money Due the State from the Atlantic and Pacific Railroad.

JAMES C. EDWARDS
WILLIAM H. LETCHER
ROBERT W. FYAN
JAMES C. ROBERTS
HENRY J. SPAUNHORST

On New Section to Article on Judicial Department.

JOHN B. HALE
JAMES H. MAXEY
EDWARD MCCABE
LOWNDES H. DAVIS
CHARLES B. MCAFEE

On Propositions Separately to be Submitted.

Louis Gottschalk
Charles B. McAfee
James L. Farris
Nathaniel W. Watkins
Elijah H. Norton
John Hyer
Levi J. Wagner

On Report of Proceedings of Convention.

James O. Broadhead
William F. Switzler
William Chrisman
Armsted M. Alexander
Charles B. McAfee

On Resolutions on the Death of Francis P. Blair.

James S. Rollins
Thomas T. Gantt
Albert Todd
Henry C. Brockmeyer
Waldo P. Johnson

On Schedule.

John H. Shanklin
William F. Switzler
Horace B. Johnson
Henry C. Wallace
Elijah H. Norton
Francis M. Black
Henry T. Mudd

On Section Five of Article on Boundaries.

William Chrisman
Thomas Shackelford
Horace B. Johnson
Elijah H. Norton
Samuel R. Crockett

On Section Seven of Article on Railroads of Report of Committee on Banks and Corporations.

James C. Roberts
T. W. B. Crews
William H. Letcher
Thomas T. Gantt
Alfred M. Lay

On Section Thirty-nine of Report of Committee on Judicial Department.

WILLIAM F. SWITZLER
T. W. B. CREWS
ROBERT W. FYAN
HENRY C. WALLACE
HENRY BOONE

To Superintend Printing and Distribution of Constitution and Address.

WILLIAM F. SWITZLER
ALFRED M. LAY
HORACE B. JOHNSON

To Notify President and Escort Him to the Chair.

JOSEPH PULITZER
WILLIAM F. SWITZLER
JAMES O. BROADHEAD

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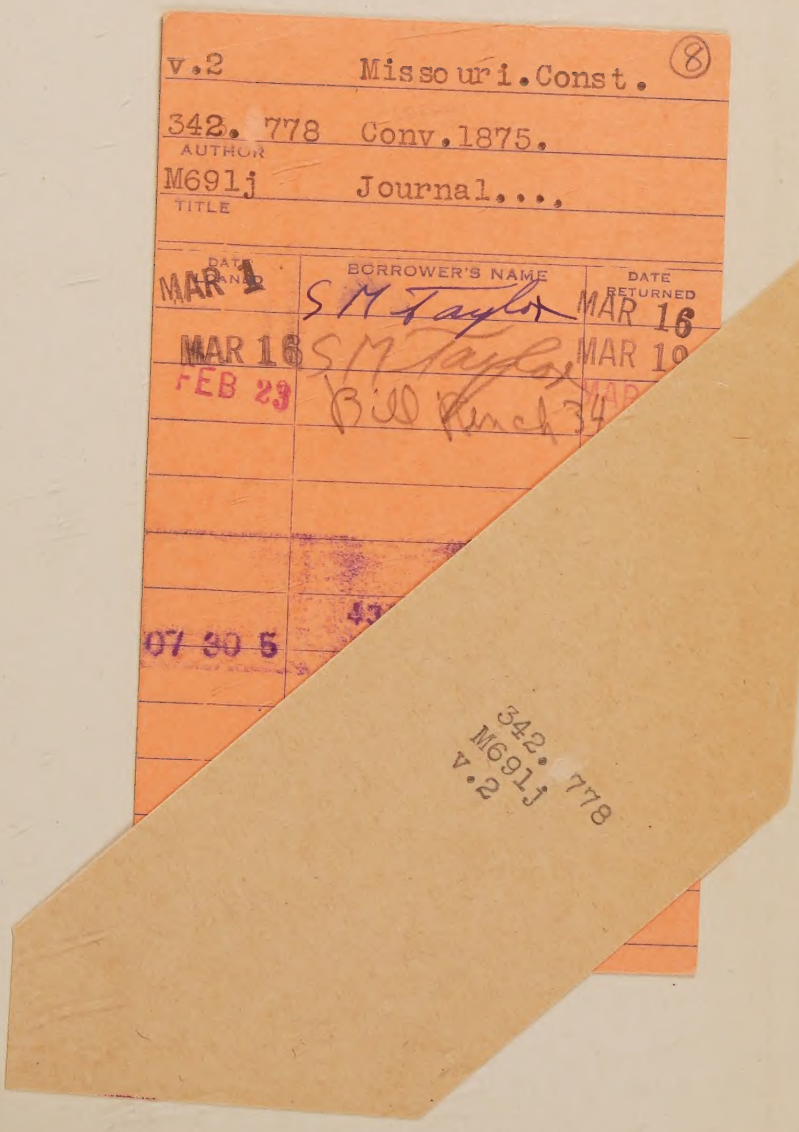
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